ISLAM, THE STATE, AND POLITICAL AUTHORITY

MEDIEVAL ISSUES AND MODERN CONCERNS

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Islam, the State, and Political Authority

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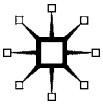

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A Brief Note on Transliteration and Dating Conventions

In transliterating Arabic names and words, the usual diacritics have been dispensed with, except for the *'ayn* and the *hamza*. Special diacritics for other foreign words in the Latin script (e.g., in German and Turkish) have usually been retained.

All dates are Common Era, unless otherwise specifically indicated.

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Introduction

Asma Afsaruddin

The state was an evolving entity through the formative period of Islam, and various conceptions of political authority were formulated in response to changing circumstances. The variegated nature of political governance and administrative practices in Islamic societies through time and their different formulations in response to historical exigencies is a central focus of this volume. Prominent scholars of Islamic political thought and history probe a number of these issues as they played out in both the medieval and modern periods. Several chapters dealing with the pre-modern period explore the relation between the state as it developed in Islamic history and the political cultures and traditions (Sunni and Shi'i) in which it was embedded. Other chapters interrogate the (assumed) relationship between theology and constructions of political authority in the writings of philosophers and political theorists. A third cluster of essays explores the continuities and discontinuities of particular pre-modern political features and traditions in the modern period and engage emerging political trends and theories in both the Sunni and Shi'i traditions. Accordingly, the book has been divided into two sections—medieval and modern—to highlight the temporality of these discussions concerning specific aspects of the Islamic political tradition(s).

Medieval Section

In this section, the approach is primarily historical in nature and often text based. A number of the chapters pursue close, analytical readings of relevant texts and sources. Through comparison and contrast of these sources, authors attempt to retrieve a more historically reliable account of the pre-modern state in its diverse (Sunni and various Shi'i) incarnations, its power and authority, as mediated through various organs and political offices,

and its relationship with various groups of people over a broad span of time.

Our lead essay, contributed by Hayrettin Yücesoy, problematizes the question of the necessity of political authority, *wujub al-imama*, in medieval Sunni political thought, based on an insightful and original analysis of relevant texts. Yücesoy is not convinced by the argument that political morality was defined and determined by religious ethics and the law (Shari'a) to the exclusion of rational explanation, as some have maintained. He compellingly argues instead that medieval Sunni scholars did not simply limit themselves to religious injunctions to discuss political thought. Rather they often rationalized religious arguments, introduced rational assumptions and principles into their discussions, and referred to human nature as the foundation of social life and political organization.

A highlight of the medieval section is the debate between Charles Butterworth and Massimo Campanini on whether the famous Muslim philosopher Alfarabi (d. 950) deals with political theology in his works. On the basis of his close reading of the Farabian treatise *Kitab al-milla*, Campanini argues that Alfarabi understands religion to be the bond linking philosophy and politics. For him, the philosopher's theologico-political intention is clear. Thus, one must reject the idea that religion is only a pale image of the truth for Alfarabi and that philosophy alone is able to properly deal with truth. Butterworth heartily disagrees. Siding with views expressed earlier by Leo Strauss and Muhsin Mahdi, he robustly defends the interpretation that Alfarabi regards philosophy as resolutely political and that this political philosophy, separated from theology, is what he seeks to revive in his works. At best, "religion is merely a handmaiden" to political philosophy in Alfarabi's schema. The dialectics between these two Farabian scholars provide a fascinating insight into the contested relationship between religion and politics in the pre-modern period and the long shadow that this debate continues to cast into our own times.

Like Sunni thinkers, Shi'i scholars of various stripes struggled to calibrate the relationship between religion and politics. Carmela Baffioni focuses on the Isma'ili fraternity called the Ikhwan al-Safa' (The Pure Brethren) from either the ninth or tenth century CE, who were deeply involved in the political debates of their time. In a number of their Epistles, the Ikhwan al-Safa' are concerned with describing the best ruler, who is sometimes closely identified with the Prophet Muhammad and at other times with the imam and even the king. A "virtuous city" governed by the proper imam, reminiscent of Alfarabi's *al-madine al-fadila* is imagined by the Ikhwan al-Safa', in which they serve as wise advisors. Baffioni ponders whether this ideal government is conceived of as an earthly one or a spiritual one—which had implications of

course for potential political activism on the part of the Ikhwan during the ʻAbbasid period.

Paul Walker extends this focus on the Ismaʻilis into the Fatimid period (969–1069). Through close scrutiny of decrees of appointment, he examines how the responsibilities of public office were conceptualized during this period. These decrees, issued upon the appointment of a new public official, detailed the appropriate candidate's qualifications, the expectations one might have of him, and his specific responsibilities. From the few such surviving decrees (none in the original), Walker painstakingly reconstructs for us the broad conceptual purview of public service during this critical period.

Next, Tamara Sonn and Banan Malkawi focus on a brilliant, if eccentric, scholar and reformer from the Mamluk period—Ibn Taymiyya (d. 1328)—whose life and thought help us bridge the late medieval and modern worlds. Against the backdrop of political crises engulfing the Muslim world at this time (including the last wave of Crusader attacks and ongoing Mongol invasions) and having himself fled with his family from the Mongol onslaught on his native Syria, Ibn Taymiyya wrote extensively about political and religious reform in his time, political governance, and the legal status of Mongols. Sonn and Malkawi adroitly demonstrate how Ibn Taymiyya's nuanced and sophisticated theological and legal discussions about political governance and the role of the Shariʻa have been selectively coopted and distorted by extremist groups today to further their agenda. Their analysis clearly establishes that Ibn Taymiyya's views were largely mainstream and quietist; only in exceptional circumstances did he allow for draconian measures and violent responses to be adopted.

Modern Section

One of the most compelling objectives of this volume is to provide nuanced understanding of terms like "Islamic government," the"Islamic State," and "political Islam/Islamism," which are so frequently bandied about in our day. Certain assumptions that are not always historically defensible are all too readily made about these concepts. A number of the essays in this modern section are concerned with exploring the pre-modern genealogies of these terms with their attendant meanings and their assumed rootedness in the past and continuity with the present. Newly emergent political trends in Muslim-majority societies and contemporary Muslim thinking about political authority receive particular attention in this section.

In my own chapter, which critiques the thought of the seminal Islamist activist of the twentieth century, Abul Aʻla Mawdudi (d. 1979), I argue that

without a historically contextualized narrative about the genesis of political terms and rise of political theory, many of the modern assumptions about a reified "Islamic State" emanating from Islamist circles are dangerously essentialist and distort the Islamic political tradition.

The chapter outlines the key ideas nestled within the concept of "theo-democracy" as first formulated by Mawdudi, and his overall conceptualization of a reified Islamic State founded on "divine sovereignty." It goes on to establish that these concepts represent new coinages on the part of Mawdudi, devoid of precedents in the variegated pre-modern Islamic political tradition, which he claims to resuscitate.

Muqtedar Khan's chapter affirms that the foundations of an Islamic political philosophy may be found within the discourse of contemporary Islamic resurgence. Khan identifies three central dimensions—critical, reconstitutive, and programmatic—of this political philosophy and explores the arguments developed under those categories. The chapter also makes a distinction between first-generation and second-generation Islamists and illustrates the evolution of the Islamist discourse from critical to programmatic. In essence the chapter argues that there is significantly more to what the Islamists are saying than just polemics and that their discourse is worthy of serious engagement.

In his chapter, Nader Hashemi focuses on what he regards as a paradox at the core of the debate on Islam and democracy generally ignored by democratic theorists, namely that modern liberal democracy requires a form of secularism to sustain itself, yet simultaneously the primary intellectual, cultural, and political resources at the disposal of Muslim democrats are religious. Hashemi examines the politics of mainstream Muslim political parties in Turkey and Indonesia for insight into how Muslim politics can be reconciled with the requirements of liberal-democratic politics. He comes to the conclusion that a form of "Muslim secularism," which he proceeds to describe, needs to be cultivated.

Anas Malik observes that for many non-Muslims and Muslims, it is presumed that Islamic law must be imposed on societies, and that this both curtails and constrains the scope for choice that people and communities enjoy. Yet, as he proceeds to explain, an alternative understanding exists under which political Islam may be deemed a close fellow traveler to libertarianism. He invokes a number of historical and juridical instruments and institutions, such as the Medina Compact, the Hilf ul-Fudul, and others, to provide support for an experiment in libertarian political Islam. From this perspective, a genuinely Islamic polity would be pluralistic, affirms Malik, since it would offer many different possibilities for how people can lead their lives.

In his closely argued chapter, Mohsen Kadivar sets out to explore possible convergences and divergences between the concepts of *wilayat al-faqih* ("guardianship of the jurist") and democracy from the perspective of political thought. He identifies three theoretical answers based on different interpretations of *wilayat al-faqih* when viewed from the perspective of, first, the Islamic Republic of Iran; second, the traditional Iranian reformists; and third, the modern Iranian Muslims. Kadivar's careful analysis allows him to conclude that an assumed compatibility between democracy and *wilayat al-faqih* is illusory at best; however, he maintains that dissonance between the two concepts is not an obstacle to the democratic management of an Islamic society.

Finally, Andrew F. March engages and assesses the thought of Anwar al-'Awlaqi in the contemporary period in the context of historical legal debates among Muslim jurists about Muslim loyalty to a non-Muslim state, particularly during wartime. As March notes, the vast majority of Muslim scholars from the earliest periods of Islam to the present have argued that Muslims living legally in non-Muslim polities must respect their social contract with those polities, even above their religious obligation to protect Muslim lands against military aggression. Al-'Awlaqi and his ilk however have gone against this predominant legal trend by privileging forms of reasoning that allow ends to justify means, invoking concepts such as necessity *(darura)* and common good *(maslaha)*, which, March concludes, represent a departure from classical Islamic juridico-moral reasoning.

As a collectivity, these rich studies challenge received wisdom concerning an assumed monolithic "Islamic State" and a single mode of political authority, that is to say a theocratic caliphate. Venturing beyond the study of majoritarian Sunni institutions alone and investigating Shi'i political and administrative literature as well considerably add to our storehouse of knowledge about variegated political practices throughout Islamic history. The juxtaposition of the medieval and modern sections underscores the continuities and discontinuities between pre-modern and modern conceptions of the state, its authority, and its relationship with its citizenry. It thereby fosters a deeper understanding of emerging modes of state – citizen relations and reconceptualizations of political authority in the contemporary Muslim world, especially as it negotiates its fraught relationship with past political traditions and theories.

Bloomington, Indiana

Part I

Medieval Section

1

Justification of Political Authority in Medieval Sunni Thought

*Hayrettin Yücesoy**

More than a decade ago, Ira Lapidus made what still seems an unusual remark in *Past and Present* about state — religion relations in Islamic history. He criticized the distinction drawn between "western societies" (differentiation between secular and sacred) and "Islamic societies" (absence of differentiation between secular and sacred) as too generalized and ahistorical.[1] Received wisdom goes that Muslims do not recognize reason as a foundation for political morality, but rather a branch of religious law, which determines how political authority should be dispensed. As a result, "Islamic political culture" (and to a large extent practice) lacks the notion of separation between religious authority and temporal power. This is such an erroneous notion that one is puzzled to see it still commonly held. Yet, since we continue to operate within the parameters of "Islamic history," "Islamic city," "Islamic economics," "Islamic art and architecture," et cetera, perhaps the claim is not so puzzling after all.

However, this is not to say that modern constructs have no foundations. The textual residues of medieval practice and thought do supply evidence of a fusion between the secular and the sacred as well as the rational and the religious, but this is not an Islamic exception. Nonetheless, in several thought traditions in Southwest Asia and North Africa (SWANA), which are integral to the difference between systems of governance, such as those of the caliphate and of the sultanate, as evident in works of philosophy

(falsafa), theology *(kalam)*, ethics *(akhlaq)*, and counsel for sultans, we notice competing visions rather than agreement on religious and temporal powers. If the sources are hardly univocal on this or any other issue, why does the modern observer remain loyal to the same paradigm despite mounting incongruities with it in medieval sources? At a time when the modernist reconstruction of history is being dismantled piece by piece in all fields of history, the received wisdom of "Islamic political thought" can no longer stand despite its popularity.

This chapter intends to tackle a particular question bearing on this larger debate on Islamic political thought[2]: the debate on the necessity of the imamate[3]—*wujub al-imama*—in medieval Sunni thought, a debate that is particularly conspicuous in jurisprudential and theological sources. Without discounting the fact that much of the debate was produced within an explicitly Sunni discourse, I argue that a range of Sunni scholars formulated rational arguments to justify whether and why the imamate and, more broadly put, rulership were necessary for the community and humanity at large. For many Sunni scholars the imamate was not a divine obligation, but rather a social utility *(maslaha)* that human societies in general and Muslim community in particular considered necessary for survival, social welfare, and cooperation. Ibn al-Murtada's (d. 1436) remarks that some of the proto-Sunnis, whom he dubs al-Hashwiyya, did not consider the imamate an obligation required by religious law *(wajiba shar*ʿ*an)*[4] demonstrate that such views beg our attention.

Medieval scholars elaborated on this subject under the rubric of the imamate, but the discussion included other forms of rule as well, such as kingship, polis, tribal authority, and household management. Contemporary scholarship mixes what, in my view, medieval scholars treated as two separate subjects: the imamate as a particular kind of leadership and other forms of rule. While the imamate meant for Sunni scholars a form of leadership dating from the rise of Islam and, in particular, after the death of the Prophet Muhammad, the other forms represented a legacy of human experience and rationality since ancient times. The distinction therefore between "true imamate," which denoted the caliphate from Abu Bakr through the reign of ʿAli, and "kingship," which described the caliphate afterward, was significant for Sunni jurists and theologians at an epistemological level.[5] As discussed by al-Taftazani (d. 1390), while other forms of leadership were legitimate, the imamate was better as it assured happiness in this world and the next, whereas royal authority safeguarded people's welfare only in this world.[6] In the following pages, I hope to elaborate on this debate to nuance our understanding of medieval Sunni political thought. One need not forget that early debates about the imamate occurred in a context in which an empire was ruling over complex societies

of Southwest Asia. These debates therefore bear the marks of developments in the public sphere, including questions about legitimacy.

Prophetic Politics and the Caliphate

Islam was born in the sociopolitical context of northwestern pre-Islamic Arabia, in which tribal political authority rested outside the temple. One expects that this tradition did not immediately disappear at the ideological and cultural levels just after the rise of Islam. In the sixth century, the Arabian Peninsula housed a few urban centers, pastoral-nomadic tribes, as well as vassal tribal confederations on the fringes of the peninsula, mainly the Ghassanids in the Byzantine Syria and the Lakhmids on the Sasanid Iraqi frontier. The memory of the two Romanized kingdoms in the north, Nabataeans (Petra, in southern Jordan, fell to the Romans in 106 CE) and Palmyra (Syria fell to the Romans in 274 CE), and that of the agrarian kingship of Yemen still lingered in the communal consciousness of the Arabic-speaking tribes, both urban and nomadic. The Qur'anic references to either ancient and/or neighboring kingdoms and empires also suggest an awareness of the various political models in the region. In the central and western Arabian Peninsula, including the towns of Mecca and Medina where the Prophet Muhammad operated and the caliphate was born, tribal chieftainship was the norm; no central political authority was present anywhere.

Whether having been elected to his post or having inherited the position from his family, the chieftain could not claim comprehensive authority. There was no notion of primogeniture; rather, tribal culture emphasized the candidate's ability and prowess for the position within the ruling kin. In most cases, the chief's authority was confined mainly to the maintenance of wells and grazing lands (protection and finding new ones) and arbitration of disputes within his tribe. No coercive power was attached to his post. Overall, like in most nomadic societies lacking sufficient surplus, the chief's power depended on his personal ability and the respect of his fellow tribesmen as a wise man. It follows that the chief had no religious authority, but rather he participated in religious life as a member of his tribe. Even in the case of the Quraysh, which prided itself on the protection of the Meccan sanctuary before Islam, the religious claims of the chief were merely limited to the protection of the temple.[7]

The Prophet Muhammad (d. 632) disturbed the political and religious status quo. The faithful under his guidance organized themselves into a community—a political society composed of mixed tribal and confessional backgrounds professing loyalty to Muhammad both in secular and

religious matters. He brought a concept of society transcending tribal loyalty, a notion of political authority that augmented secular leadership with prophetic prerogatives, and an idea of laws for the conduct of governance and social relations. This development was out of step with the tribal sociopolitical context of the Arabian Peninsula and bound to create a rift not only between tribal sociopolitical norms and supra-tribal ideals and practices but also between secular and religious functions and authorities. It makes sense that the caliphal tendency to fuse religious and temporal authorities derived inspiration from this prophetic example.

Similar debate occurs about whether one can extrapolate any political ideology from the Qur'an. Arguments have long been available about how the Qur'an suggests a political order. In a lucid summation of this tradition, Crone argues that Qur'anic injunctions had already underlined a hierarchy of power in the universe, predisposing medieval Muslims to see political authority inherent in religious thought, removing the need for any explanation to justify political authority.[8] However, the difficulty is that in the Qur'anic text, God's sovereignty or suzerainty over the universe does not manifest itself in legal rulings for organized political society. Instead, the Qur'an appears more interested in painting broad moral guidelines for the social and political behavior of the individual and in stressing the community structure rather than a state structure.[9] Partly for this reason, medieval Muslims only rarely used Qur'anic verses to justify rulership, especially in comparison with the use of hadith. Although, as Crone noted, some scholars such as al-Ṭabari saw in the Qur'anic cosmology a political dimension,[10] they seem to have done so not to extrapolate political views, but to explain the Qur'anic cosmology using the idioms familiar to their audience. As Afsaruddin has pointed out, the Qur'an's description of God's kingship and kingdom, *mulk* and *malakut*, and governance/decree, *hukm*, did not strike its early readers as political and legal in nature.[11]

However, one must consider the reality of empire as a context for a meaningful discussion of political thought. Scholars were quite conscious of the fact that they were operating within the framework of an empire. Against the background of early historical events—the end of the early caliphate (632–661), the rise and fall of the Umayyad dynasty (661–750), and the advent of the 'Abbasid dynasty—medieval Sunni scholars discussed the question of why the community needed the imamate. There were also domestic and external challenges that forced the ulema to rally behind the caliphate or any authority that respected religious law in instances of civil war, sectarian division, or rebellion or during outbreaks of violence that erupted at the court as a consequence of power politics between the caliphs, their secretaries, and the military. While the Sunni ulema usually sought cooperation, compromise, and conciliation, some of their sectarian

and intellectual rivals, in a stark contrast, felt no obligation toward the Umayyads or the ʿAbbasids. They not only criticized the caliphate but also denied that the community needed such an institution at all.

"Anarchist" Perspectives

The rise of the Kharijis brought the issue of the necessity of the imamate acutely to the fore. The Kharijis rejected the caliphate as superfluous and oppressive during the first civil war (656–661) by employing unequivocally Islamic idioms. In their famous motto, they did away with the necessity of rulership by reserving political allegiance for God and charging the community with the duty of consultation: "the duty [of ruling] *(al-amr)* is consultation *(shura)* after victory *(fath)* and [political] allegiance is to God, the most exalted."[12] Many of the Kharijis did have a nomadic-tribal background and the earliest of them seem to have seen tribal existence as a satisfactory framework for pious sociopolitical life. Yet, the Kharijis' conception of consultation and allegiance shows a conceptual leap away from the customary tribal attitude. Instead of the tribal notion of authority sketched above, the Kharijis articulated an abstracted but unmistakable loyalty to the community as they perceived it even while rejecting the kind of political authority embodied in the caliphate. Owing to their non-Qurayshi, northern background, the Kharijis could criticize the political prominence of Quraysh on Islamic rather than tribal grounds, and by pointing out how overcentralization was neither functional nor sustainable. Later Kharijis included sub-groups such as the Najadat, whose members further elaborated why the imamate was unnecessary and even harmful.[13] If the Kharijis helped pre-Islamic tribal political values survive through early Islam,[14] they did so by reconstructing such values in the caliphal context, for the Kharijis themselves were the product of the new milieu; they formulated, articulated, and advocated their ideals through a distinctly Islamic discourse. It is clear that the accusation of tribalism played a polemical role in debates, but tribalism itself was not a socially and politically viable alternative in the context of an expanding urban and agrarian empire.

In fact, the Najadat Kharijis were not the only group questioning the necessity of the imamate. Developments in social life and the empire-building efforts of the caliphs since the middle of the seventh century engendered opposition. Civil wars and succession crises during the early caliphal period generated debates on caliphal legitimacy and the nature of political authority. As the caliphate incorporated the imperial symbols of kingship in the Fertile Crescent and as caliphs began projecting

their authority in a manner similar to kings, reactions from constituencies desiring more communal participation in governance came to be articulated over and against the caliphate; some even argued against its very necessity. On the other hand, the emergence of sectarian divisions, in particular the rise of the Shiᶜi notion of imam as a divinely appointed leader, and the development of competing memories of the formation of the caliphate precipitated a debate on the nature of the imamate among various sectarian groups.

Some Muᶜtazilis thought they could do away with the imamate and argued for a notion of self-government instead of rulership. It would suffice to note here that none of the Muᶜtazili scholars from various groups, including al-Asamm (d. 816 or 817), Hisham al-Fuwati, Dirar b. ᶜAmr, Hafs al-Fard (d. ca. 810), and the leaders of a curious group known as the Sufis of the Muᶜtazila, saw any rational and/or religious justification and proof for the imamate or rulership. According to such individuals, the imamate was a mundane subject having to do with management of the community. As such, it depended on the discretion of the community, which had the authority to decide whether or how to institute it. As was the case with daily prayers, which could be performed with or without a prayer leader, they reasoned that the community was free to elect or not elect an imam as long as individuals knew their personal obligations *(farai'd)*, which can be fulfilled without the coercive power of the imam. Therefore, electing an imam was no more useful than not electing one.[15]

It was commonly thought among the Muᶜtazilis that having multiple imams was a better way of governance.[16] In the context of growing provincial autonomy and rival caliphates, such views especially resonated with many proto-Sunni and Sunni scholars, who until the tenth century had vehemently defended the singularity of the imam. The Karramiyya sect and the leading Sunni theologian al-Baghdadi (d. 1037) consented to the idea of having more than one imam at a time.[17] Al-Baghdadi himself agreed that there could be more than one imam at a time if distance made the effective administration of territories difficult.[18] Al-Baghdadi's position was an honest intellectual acknowledgment of the political reality of the caliphate in the tenth century. One could therefore understand why his colleagues gradually followed his lead. They too dispensed not only with the idea of the singularity of the imam but also with the requirement of Qurayshi descent. The reality on the ground had already made the expectations of both a singular imam and Qurayshi descent unlikely, if not impossible.[19]

Despite its plausible arguments, the anarchist position remained marginal, although its legacy of provoking a flood of both rational and religious arguments for the necessity of the imamate continued. The history of this debate is a necessary background to understand the Sunni positions on

the issue. In his magnum opus, *al-Mughni*, ᶜAbd al-Jabbar (d. 1024) identifies three positions on the necessity of the imamate up to his time: (a) there were those who claimed that the imamate was not necessary—these were the minority; (b) those who said it was necessary rationally; and, finally, (c) those who said it was a religious obligation whose necessity was known by divine instruction, *samᶜ*.[20] The following section examines the ways in which the third group explained the necessity of the imamate.

Hadith Literalism and Argument by Divine Instruction

It appears that many scholars among the ninth-century Shiʿa (some of whom seem to have already adopted the idea of a divinely appointed leader), the majority of the Muᶜtazilis, and the proto-Sunni jurists, theologians, and transmitters of hadith maintained that the imamate was necessary, though each had different reasons for its necessity.[21] On the other hand, as we noted in the beginning, Ibn al-Murtada remarked that some of the Hashwiyya proto-Sunnis did not consider the imamate a religious obligation *(wajiba sharᶜan)*.[22] How did this initial position become inverted among some of the proto-Sunnis and the later fully formed Sunnis? An answer based merely on the proto-Sunnis' shift in political alliance cannot fully explain this transformation, though this was certainly a major component. One has to also consider an epistemological shift.

The rise of hadith transmitters on the scene was a watershed moment in the debate over this issue. As Scott Lucas has pointed out, the articulation of Sunnism in the first half of the ninth century and the formation of its fundamental principles were indebted in a major way to the hadith scholars of the late second/eighth and early third/ninth century. It was they who inspired and in fact advocated for what became the three major principles of Sunni Islam—namely the collective probity of the *Sahaba* (Companions of the Prophet) the invention and application of hadith-transmitter criticism, and finally a shared historical vision of the route that most hadiths took on their way toward the canonical compilations of the ninth century. The spread of such views underlined a major epistemological shift among Sunni scholars.[23]

Since the late second and early third Islamic centuries, hadith transmitters began to insist on referring to hadiths to back up their political and historical views. They did point out Qur'anic verses but primarily depended on reports in the form of hadith to argue for the necessity of the imamate.[24] Al-Nawbakhti remarks that the "new Hashwiyya" abandoned the opinion of their predecessors that Abu Bakr was elected by the Companions to lead the community in the absence of any instruction from

the Prophet Muhammad.[25] They argued for the necessity of the imamate by defending the caliphate of Abu Bakr as designation by religious command, *nass*, in two ways. On the one hand, they claimed that the Prophet appointed him to the caliphate implicitly when, during his final illness, he insisted that Abu Bakr should lead the prayer and circulated suggestive reports such as "If I were to designate a caliph I would designate Abu Bakr." On the other hand, they maintained that the Prophet had explicitly designated Abu Bakr for the caliphate, by pointing to hadiths transmitted by their colleagues, such as "Obey those who come after me, Abu Bakr and ʿUmar."[26]

These opinions came about largely in defense against the Shiʿi argument of designation and in the context of the debate on the comparative merit of the Companions. As al-Nawbakhti mentions, arguing from hadith to prove the necessity of the imamate was a new invention among the hadith transmitters after they were challenged by the arguments of the Imamiyya that ʿAli was appointed imam by divine designation *(nass)*. The Bakriyya sect of the late eighth and early ninth century adopted as one of its principles the view that the imamate of Abu Bakr was by *nass*.[27] Like their proto-Sunni counterparts, some Muʿtazilis too seem to have come up with the argument of implicit designation only secondarily in the context of the debate on designation. They emphasized that the Prophet Muhammad did not designate a specific individual for the caliphate but rather indicated his qualifications and characteristics (*naʿt* and *sifat*).[28] Apparently, this view was advocated by some Muʿtazilis with Zaydi affiliations to support the imamate of ʿAli vis-à-vis Abu Bakr. Thus, the development of hadith transmission, the rise of the corollary discourse established by the transmitters, and the polemical quality of hadith made its use a compelling source for some of the proto-Sunnis and the Sunnis. Although the hadith-based argument was a secondary development, it took hold and became a major principle of Sunni epistemology.

Jurists and later theologians of the proto-Sunni and Sunni proclivities realized that they had to accommodate hadiths. A master theologian such as al-Ashʿari found it expedient to use Qur'anic verses and hadith reports to support the legitimacy of Abu Bakr's caliphate and argue for his comparative excellence vis-à-vis the other companions of the Prophet Muhammad.[29] He even noted the popular hadith "the caliphate among my community is thirty years, then [there will be] kingship afterwards"[30] in order to support his views on the necessity of the imamate, to rank the caliphs in merit according to their succession to the caliphate, and to distinguish between the imamate and kingship (the latter being a condition under which the ideal requirements for the imamate were suspended).[31] Al-Baghdadi approvingly cites al-Ashʿari (d. 936), insisting that

the imamate was an obligation required by the *shariʿa*. While the permissibility of the continuation of the servitude to God through the imamate was known by reason, the necessity of the imamate was known by way of divine instruction *(samʿ)* or divine law *(sharʿ)* like any other obligation.[32]

The hadith-based argument for the necessity of the imamate (whether Shiʿi designation or Hashawite *nass*) became prominent enough to be cited as a major opinion in the ninth century.[33] Thus, one might argue that by the middle of the ninth century the use of hadith had become a discursive practice defining where one stood. Once hadith became a part of the Sunni mentality and discourse, jurists and theologians had to find a way to tackle the question of the imamate without eschewing hadith.

Jurisprudence as a Rationalizing Discourse

Legal and theological rationality exemplifies one of the ways in which the subject of the imamate was discussed on a rational level as a social utility and in vocabulary that was not well aligned with how hadith transmitters wished to discuss the subject. The question of why the imamate was necessary was debated as a theological problem involving the problem of *ʿaql* and *naql*—that is, reason and revelation. Was the imamate necessary because reason required it *(wajiba bi 'l-ʿaql)* or because the religious law commanded it *(wajiba bi 'l-sharʿ)*?[34] There was also the question of whether the imamate was a religious observance *(ʿibada)*, by which one might obtain blessings, or simply social utility *(maslaha)*.[35] Differing answers to such questions notwithstanding, debating the question on the basis of jurisprudence and theology gave Sunni authorities a better context to examine the imamate as a political institution and theoretical construct.[36] This became a venue for many Sunni scholars dealing with this subject so as not to clash directly with hadith transmitters and an opportunity to offer new arguments and/or revive the pre-*muhaddith* era views.

Already since the early Hashwiyya *(awa'il al-hashwiyya)*, some proto-Sunnis maintained that the Prophet died without making any caliphal arrangement—a principle that clearly placed the discussion of political authority in the realm of mundane transactions. According to al-Nawbakhti, the early Hashwiyya, which included such eminent individuals as Sufyan al-Thawri (d. 778), Ibn Abi Layla (d. 765), al-Shafiʿi (d. 820), and Malik b. Anas (d. 795), maintained that the Prophet did not appoint any successor to stand for his place in religion *(wa lam yastakhlif ʿala dinihi man yaqum maqamihi fi lamm al-shaʿth wa jamʿ al-kalima)*. It was the community that gave the caliphs the duty of keeping people together,

arbitrating their conflicts, handling the task of governance, *mulk*, and the affairs of their subjects *(raʿiyya)*, making peace treaties, delegating authority to lesser administrators, organizing the army, defending the house of Islam, defeating the obstinate, educating the ignorant, and protecting the victim.[37]

How medieval scholars remembered the period of history after Muhammad's death shows the diversity of opinions concerning whether rulership had any scriptural foundations. An early and prominent transmitter of historical reports, al-Zuhri (d. 741–742), compiled and transmitted reports whose subtexts clearly suggested the absence of any prophetic instruction on leadership.[38] According to one of these reports, Abu Bakr addressed an audience at Medina to explain why the community needed a leader and why he nominated ʿUmar in the following words: "It is necessary that you have an individual who will be in charge of your affairs, lead you in prayers, fight against your enemies and distribute the revenue amongst you."[39] Al-Nawbakhti's claim, therefore, that many of the Hashwiyya were of the opinion that the imam was to be appointed simply by the exercise of opinion *(ijtihad al-raʾy)* and even by what is congruent with intelligence/reason *(yakhtaru bi ʿuqulihim)* suggests that such views survived side by side with hadith-based assertions.[40] Although articulated within the proto-Sunni framework, this view was shared by many Muʿtazilis as an acceptable way of discussing the necessity of the imamate.[41]

Once legal and theological discourses spread, hadith-based assertions that the Prophet Muhammad had actually appointed Abu Bakr to the caliphate seem to have receded to the background. Jurists and theologians anchored the imamate to rational propositions. Starting in the eighth century, the idea that the caliphate was established by the consensus of the community after Muhammad began to appear in political debates. A number of historical reports attribute this view to prominent individuals such as Muhammad b. al-Hanafiyya (d. 701), Ibn ʿAbbas (d. 687–688), and Ibn ʿUmar (d. 693).[42] It was apparently the view of the famous Qadari Ghaylan al-Dimashqi (d. 723) and his followers as well.[43] As a formal jurisprudential principle, the *ijma ʿ*showed up in political discussions among the proto-Sunnis since al-Shafiʿi's time, who also argued that the imamate was required by *ijmaʿ*,[44] and later became a major argument in the fourth/tenth century. Al-Baghdadi maintained that "the Companions of the Prophet Muhammad have agreed by consensus on the necessity of the imamate."[45] He asserted that "there [was] no value to al-Asamm's and al-Fuwati's objections in this matter because of a preceding consensus contradicting their views."[46] Sunni scholars afterward included the *ijmaʿ* principle in the discussion of the necessity of the imamate. Thus, al-Juwayni (d. 1085) explained that the necessity of the imamate was based

on the consensus of the people *(ijmaᶜ)*, which was binding, since the time of the Companions of the Prophet Muhammad.[47]

In his argument against al-Asamm and al-Fuwati, al-Nasafi (d. 1114) cites the hadith "Whoever dies without pledging alliance to an imam dies an ignorant death,"[48] but goes on to explain why people truly need an imam. Like his earlier colleagues, al-Nasafi cites the occurrence of the *ijmaᶜ* as a reason for its necessity. He argues that if the imamate had been dispensable the Companions of the Prophet would have done away with it. Given their merits and abilities, the Companions would have been less in need of and better suited than anybody else to live without an imam.[49] In his commentary on al-Nasafi, al-Taftazani too faces the same question and defends the necessity of the imamate by referring to the *ijmaᶜ*, the human need for the imamate, and the desire for organized society, but cannot dismiss arguments from hadith that the imamate is required by divine instruction *(samᶜ)*.[50] He thus seeks to reconcile arguments from reason and hadith through interpretation, so that rational discourse and religious arguments support rather than oppose each other.

Since the late third/ninth century the idea of social utility *(maslaha)* arose as a way to discuss the imamate as a social and rational necessity.[51] However, al-Juwayni (d. 1085) should be credited with the introduction of *maslaha* principle firmly into legal and theological reasoning.[52] As one might gather from our discussion so far, *maslaha* meant utility as opposed to its antonym injury or decay (*madarra* and *mafsada*). In general, *maslaha* denoted welfare and was used by jurists after al-Juwayni to mean general good or public interest. Anything which helps to avert *mafsada* or *darar* and furthers human welfare is considered *maslaha*. The idea was based on the premise that people needed a ruler for their welfare. The ruler (imam) would implement the injunctions of religion, dispense justice, distribute revenues, prevent civil war, and defend the house of Islam against the threat of its enemies. In the view of many proto-Sunni and Sunni scholars, the Muslim community after the Prophet Muhammad agreed on an imam because of similar desires and worries.

For al-Juwayni the imamate was not a principle of faith.[53] He maintained that the appointment of an imam was obligatory, but only when possible.[54] The imamate was needed because only with leadership one could protect the Muslim community, provide people with an arbiter and administrator who could manage their affairs, and, in sum, avoid chaos and self-destruction.[55] Al-Juwayni's intervention here is important. By conditioning the appointment of the imam to historical contingencies he stripped the hadith argument of its categorical timeless validity and tied it to definitive circumstances, thereby allowing reason to elaborate on why appointing imam was necessary. Al-Juwayni was also responding to the

Shiʿa in his remarks about the imamate. His characterization of the argument that the community could disagree on who should be appointed as a practical rather than doctrinal matter is an example of his position vis-à-vis the Shiʿa. The imamate according to him should not be a cause for schism. On the one hand, he was concerned with the preservation of social order and safeguarding the community—the absence of the imamate constituted a danger to stability. On the other hand, he seems to have distinguished between the imamate and other forms of government such as kingship and sultanate, both of which were the chief institutions of rulership during his lifetime. The underlying assumption here is that if it were not possible to elect an imam, one could embrace other forms of government as legitimate because at least they maintained social harmony and protected peace. For similar reasons, his student al-Ghazali warned his readers that without leadership the social order would simply collapse. If one deposed the ruler, either one had to replace him by another one, which could ignite unnecessary strife, or else one lived without an imam, which would lead to lawlessness and the loss of equity in the land, which was unimaginable to him.[56] By using reasoning and rational argumentation, Sunni scholars ended up closer to the Muʿtazilis on the necessity of the imamate. The rapprochement is unmistakable when we consider ʿAbd al-Jabbar's summation of the arguments about why the imamate was needed: "And the second section is the discussion of the reason for, and because of which [one] needs, the imam. Know that the imam is needed for implementing religious laws *(ahkam sharʿiyya)*, such as punishments, protecting the city, defending the frontiers, preparing the armies, [conducting] warfare, and verifying [the eligibility] of witnesses [in legal cases], etc. There is no disagreement that these matters are undertaken only by the imams."[57] Indeed, this appears to be the case even when Sunni scholars defended the religious basis of the imamate. They couched this basis in rational, practical, and pragmatic arguments. In his explanation for why the imamate was a religious obligation, al-Baghdadi noted the views of his colleagues that the Muslim community appointed an imam to implement laws, enforce verdicts, lead armies, conduct marriage contracts, and distribute revenues among those who were entitled to them. Furthermore, al-Baghdadi remarked, the religious law *(shariʿa)* contained regulations that could be handled and implemented only by an imam or his appointees.[58]

Sunni scholars appear to have largely restricted their discussions to the subject of the imamate and did not deal extensively with questions associated with other types of government, in which religious law and Islam were not applicable. Al-Mawardi (d. 1058) argued that the imamate was better than other forms of government.[59] Like al-Mawardi, al-Taftazani too

considers other types of government not only possible but also legitimate. The authority of the real wielders of power *(ahl al-shawka)*, the sultans and the emirs, as substitutes for caliphs assures social order in some respects, but this kind of authority is not complete, as the imamate assures happiness in this world and the next, whereas the authority of *ahl al-shawka* safeguards the people's welfare in this world alone.[60] What these scholars were suggesting was not that human reason was incapable of comprehending whether or not leadership was necessary, but rather that the imamate as an institution was prescribed for Muslims and that religious law provided a better and a clearer way of knowing the kind of rulership that the Muslim community needed; the imamate's specific functions could not be known by reason alone.[61]

Natural Law

The problem of rulership also came up as a subject of discussion in the larger debate on the role of reason in determining the value of things vis-à-vis religious law. What did Muslims think about societies where prophets and/or divine law did not exist? What did they think about previous kingdoms, polities without divine law? What did they think about preexisting customs and traditions not mentioned in the law? As we have seen implied above, divine law was not thought to be historically universal by medieval scholars. Sunni scholars accepted the existence of societies, customs, and traditions without it. But what was the value of human reason and natural law? Was it a moot problem for Muslims because they rejected natural law and thought that human abilities were insufficient for this task?[62]

To discuss this, we need to turn briefly to the theological question of "the status of things in the absence of revelation." While one can argue that some Sunni legal scholars of Hanbali and Ẓahiri convictions dismissed natural law, one cannot generalize their views as opinions about natural law, since their positions varied. In his valuable study of the problem, Reinhart has identified three positions among the jurists in medieval times concerning matters outside religious law: (a) things are proscribed and therefore immoral until revelation stipulates otherwise; (b) things are permitted or proscribed according to their innate nature: evil is evil and good is good before revelation—revelations merely confirm their status as such. Things that appear useful are permitted/indifferent until revelation stipulates otherwise (e.g., legal status of pork and beef). And, finally, the third position is of (c) no assessment. Scholars in this category refrain from assessing matters either way before revelation. Acts before revelation can therefore have no moral quality. The world before revelation is amoral until revelation

assigns it a moral value.[63] The majority of the Hanafis, many Shafiʿis, and even some of the Hanbalis had no qualms about accepting the second position. As the renowned Hanafi jurist al-Sarakhsi (d. 1096) maintained, all things were in the condition of being permitted before the mission of the Prophet Muhammad.[64] Therefore, according to a substantial majority of jurists, the state of primeval innocence *(bara'a asliyya)* characterized the situations in which revelation was absent, and was the working principle for dealing with matters outside of religious law; as Ibn Rushd stated: "If there is no proof *(dalil)*, either from the Book or the established practice *(sunna thabita)*, the matter remains on the basis of primeval innocence *(bara'a asliyya)*, which is permissibility *(ibaha)*."[65] Even though a proscriptive trend seems to have appeared among the Shafiʿis and Hanbalis after the eleventh century, the discussions up to that point sufficiently show diverse opinions on the issue of reason and revelation in matters where divine law was silent or absent.

Ibn Rushd's reasoning about primeval innocence brings us to the discussion of the relation between human nature and social life as the foundation for political authority. In the discussion of human nature and natural laws, Sunni scholars saw an order created by God beyond any particular religious law. God created humans with certain desires and capabilities, such as the instinct for survival and the need for cooperation, both of which encourage humans to live together, cooperate, and organize their societies. Divine laws are therefore secondary and come only to refine, complement, and improve this fundamental human condition. Al-Ghazali (d. 1111) discusses this subject in his *Ihya'*. According to al-Ghazali, humans are created incapable of living alone. Humans have to live together for two reasons: procreation for survival and cooperation, which includes needs as basic as food, clothing, and shelter.[66] From these basic needs four fundamental crafts emerged: farming for food, weaving for clothing, building for shelter, and politics *(siyasa)* for cooperation, collaboration, and for living together. Each craft requires the use of a variety of tools and auxiliary professions, such as carpentry and ironwork. Since crafts will continue as long as there is a demand for them and since they are practiced by different people, cooperation among people is necessary.[67]

Human activity creating social order, according to al-Ghazali, may be divided into three unequal categories, which were articulated using the metaphor of the human body: fundamental (the heart, the liver, and the brain); auxiliary (the stomach, veins, arteries, and sinews); and supplementary and ornamental (nails, fingers, and eyebrows).[68] Not unexpectedly, the fundamentals comprise the most valuable activities, of which politics *(siyasa)* occupies the highest rank. Politics is the art of maintaining human happiness in this and the next worlds. As such, politics is more

than simple leadership. It requires a degree of perfection greater than that required by any of the other branches. Al-Ghazali divides politics into four qualitatively distinct categories: the first is the polity of the prophets, which involves jurisdiction over the thoughts and actions of the privileged few and the common folk alike. The second is the polity of the caliphs, kings, and sultans, which involves jurisdiction over the actions (but not the thoughts) of the privileged few and the common folk. The third is the intellectual polity of the learned man, which involves jurisdiction only over the thoughts of the privileged few, since the understanding of the common folk is too unsophisticated for them to benefit from the learned, and their power of discrimination is too weak for them to observe and emulate the elite's actions; they are, therefore, not subject to compulsion or restraint. Fourth is the polity of the preachers, which involves jurisdiction only over the thoughts of the common folk. For al-Ghazali, the intellectual polity of the learned comes only second to the polity of the prophets because of its service in disseminating knowledge, in diverting the hearts of humans from destructive and undesirable traits, and in guiding them to those actions that lead to happiness and honorability.[69] Therefore, social hierarchy and subordination are necessary concessions humans must make in order to maintain order, sustain life, prevent conflicts, and rein in egoistic human desires and the human propensity to quarrel. Al-Ghazali sidesteps here the nomadic *modus vivendi* and household management as distinct forms of authority, but nevertheless his understanding of why humans live together and cooperate is from bottom-up a rational construct, seeking to clarify the ways in which human nature is refined and brought to an ethical standard fitting human dignity and religious law.

Al-Ghazali's contemporary Raghib al-Isfahani (d. 1108) describes human beings as civil by nature *(al-insan madaniyyun bi 'l-tabᶜ)*.[70] Even though he refers, like many of his colleagues, to pious sayings, Qur'anic verses, and hadiths, he anchors his argument to the natural propensity of humans to live in communities: if humans desire to live in communities peacefully, they need to cooperate among themselves. The need for survival and the resulting interaction and cooperation is the precondition of social life as well as that of happiness in this world and the next. Al-Isfahani acknowledges this as unavoidable, and in fact recognizes the necessity for poverty, social stratification, and division of labor for the orderly function of social life *(intizam amr al-nas)*. God has given people different physical and mental abilities to fulfill different needs and to work in various professions so that they may satisfy the needs of each other and cooperate.[71] It so happens that earning a livelihood provides the incentive for cooperation in search of a better life. Therefore, as long as people fear poverty and have the desire to escape from it, they will not shy away from working even

in the most base professions, which nobody would pursue otherwise.[72] Leadership is therefore needed to maintain this cycle of cooperation.

Ibn Abi al-Rabiᶜ (d. 1250) similarly points to basic human needs for survival (food, clothing, dwelling, reproduction, and medicine) to argue for the necessity of political organization and leadership. To satisfy these needs, one depends on specialized knowledge and skills such as science and crafts, which require cooperation, since one individual alone cannot accomplish them all. To make cooperation easier and because God created humans as social creatures who prefer to be with other humans, they have gathered in cities, a fact which allows interaction for the production of benefits. However, since humans have different temperaments and mores, and can be fair as well as unfair, they disagree and engage in conflict. To prevent this, God has put down for them customs *(sunan)* and obligations *(fara'id)*, so that they may refer to them and comply with them. God has also established rulers for them in order to enforce laws, protect the people, manage their affairs, and prevent oppression and aggression, which would otherwise destroy them. Harm, which will inevitably occur nonetheless, derives from three sources: from the self *(nafs)*, from the urban community at large, and from those who are outside the city's community. Harm originating in the self can be mitigated by the development of moral refinement, commendable conduct, and the use of intellect. Harm that emanates from the inhabitants of the city can be assuaged through implementation of proper customs *(sunan)* and laws *(shara'i')*. Harm that comes from outside the city can be deflected by establishing strong defenses and military might. The sustenance of social life requires, therefore, political organization and leadership, which ensure that laws are implemented and precautionary measures are taken so that chaos and destruction can be prevented.[73]

A Post-Mongol Perspective

The post-Mongol world offered Sunni scholars additional grounds for emphasizing the rational and historical dimensions of rulership and the imamate. Conventional scholarship still adheres to the idea of decline, according to which little good happened after the collapse of the ᶜAbbasids, and even though revisionist historiography rightfully points to the changes and breaks that transformed the Middle East, including the proliferation of extra-*shariᶜa* sources of law, some important continuities with the past remained strong despite the appearance of a new and profoundly different dispensation. For this reason, scholars must not fail to observe the ways in which Sunni scholars recast and reconfigured the thought traditions of the ᶜAbbasid era to fit post-Mongol circumstances; they did not simply invent

new traditions *ex nihilo*. The views of two Sunni scholars serve as a case in point.

Ibn Taymiyya elaborates on the issue of why humans need an imam or ruler from the premise that humans are social by nature. "All sons of Adam need, for the perfection of their welfare in this world and the next, society, mutual aid and mutual assistance both to procure benefits and to ward off injuries. For this reason man is said to be civil by nature."[74] The need for rulership comes exactly at this juncture. To attain happiness, people need someone in charge of their affairs. "Now when men group together there must be some things they have to do to procure their welfare and some they have to avoid as being harmful, and they will be obedient to one who ordains those desirable objects and proscribes what is injurious. All sons of Adam, then, are bound to obey one who ordains and proscribes."[75] Ibn Taymiyya acknowledges the legitimacy of extra-religious laws as products of human nature and rationality, even though, he contends, such laws are not perfect. He maintains that "those peoples, who have no divine scriptures, nor any religious faith, obey their kings (and rulers) insofar as they consider it conducive to their worldly welfare, sometimes correctly and mistakenly at others." The People of the Book on the other hand "are obedient to that which they consider conducive to their welfare both spiritually and worldly."[76] Therefore it is better for any human being to follow a revelation: "Since obedience to one who ordains and proscribes is necessary, it is evident that the best thing for a man is to enter into obedience to God and His Messenger, namely the Gentile Prophet foretold in the Torah and the Gospels, who ordains what is fitting and proscribes the improper, who makes good things lawful and forbids the bad. Such obedience is the duty of all creatures."[77] For Ibn Taymiyya the question is not so much the existence of laws outside the *shariᶜa*–for they do exist and are followed by people—it is rather a question of which law is better. "God sent His Messenger Muhammad, on him be peace, with the most excellent system and laws, revealed to him the most excellent Book, dispatched him to the best community ever formed for men, gave him and his community the perfect religion, bestowed on them the fullness of His Grace, and made the Garden of Paradise accessible to none save those who believe in him and his message."[78] There is no reason for anyone therefore to follow the inferior. Like his colleagues, Ibn Taymiyya refers to Qur'anic verses and hadiths to encourage his readers to follow the best example. If people are advised to have a leader "even when three individuals embark on a journey," Ibn Taymiyya reasons that having a leader must be even more appropriate for a larger group of people. The necessity of rulership is therefore both rational and religious. The shariᶜa simply tells us the better way of doing things, which in this case is having an imam.

An elaborate discussion of the imamate is provided by al-Iji (d. 1355). Although he also mentions that the imamate is necessary by divine instruction *(samᶜ)* and by perpetual consensus *(tawatur al-ijmaᶜ)* since the caliphate of Abu Bakr, his argument is anchored in natural and rational premises.[79] The imamate is an institution by which society prevents the occurrence of probable harm *(darar maznun)*, which is in itself a principle agreed upon by consensus.[80] He maintains that the purpose of the lawgiver *(maqsud al-shariʿ)* is people's welfare in this life and in the hereafter. One needs the imam to assure the continuation of these benefits. Welfare cannot be attained and maintained without a leader to whom people can appeal and around whom they rally in case of need. Since people generally do not submit to each other in obedience because of differences in opinion or conflicts, a community without a ruler will end up in chaos and harm, which will eventually lead to total destruction. Al-Iji cites historical events, particularly civil wars following the death of a ruler, to exemplify the harm, which societies have had to endure, and notes that the prevention of harm is obligatory *(dafᶜ al-madarra wajib)*.

As a trained theologian, al-Iji anticipates the counterarguments, such as the opinion that government involves coercion and causing harm *(idrar)* which is forbidden. Political subordination in itself is coercion and harmful, since it is nothing other than privileging one person or group of persons with coercive power over the rest, who would otherwise have equal power and authority to dictate what to do and what not to do. Even with coercion, some individuals will not obey orders as historical experience shows *(jarat al-ᶜada)*, causing confusion which leads to dissension. There is also no guarantee that the leader will not turn into an oppressive and sinful unbeliever as infallibility is not sought in a leader. If such a leader is not deposed, he would continue inflicting harm on the community with his sinfulness and oppression. If he is deposed, this would in turn lead to another civil discord. In essence, al-Iji does not object to the possibility that such unwanted consequences could happen, but he still considers having an imam to be the better alternative because the harm caused by not having a ruler is much greater than that by having an oppressive ruler. "The prevention of the greater harm is obligatory, whenever there is conflict [between the lesser and greater harm]."[81]

Yet, the argument against having an imam has another layer. Historical experience does not prove that one must have an imam. If humans are predisposed by their natures, and also encouraged by their religions, to seek welfare *(masalih)*, why should they need someone to dominate them *(yatahakkam)* in matters in which they should have discretion, particularly if the ruler is prone to erring and leading his people to destruction?

Nomadic life (of the Bedouins) shows that humans can live without having political authority (sultan). Moreover, having access to and acquiring benefits from the ruler is only an illusion, as access to the ruler is restricted and almost impossible for common people. Likewise, theoretical qualifications set for a ruler are only ideals that rarely correspond to reality. If lowering standards is a practical solution to overcoming the gap between ideals and reality, what purpose does appointing an individual without the required qualifications fulfill? Appointing a ruler despite such drawbacks means that the community has not lived up to its responsibilities and has appointed someone without the required qualifications.

As one may expect, al-Iji does not have an objection to this argument in principle, but finds it unlikely on the basis of historical experience: "It is possible rationally [that the community can survive without an imam] but impossible in practice *(ʿadatan)*, as one may observe in the disorders and conflicts that rage after the death of rulers."[82] Moreover, not having a ruler does not serve a practical benefit as people expect predictability and harmony rather than unpredictability and dissension. The absence of a ruler leads in most cases to political chaos and civil war, such as is the case with Bedouin tribes who bring devastation upon each other "like fierce wolves and mortal lions." Left alone, al-Iji argues, Bedouins will hardly give into laws and respect customs, and act according to religious commands. However, they do respond to coercive power as in the wise saying "Swords and spears achieve what rational proofs *(burhan)* cannot."[83] Al-Iji also dismisses the argument about the difficulty of having access to the ruler. He distinguishes between reaching the ruler personally and benefiting from his rule and laws. One can reap benefits simply by living under his ordinances and laws; one need not have access to the ruler personally.[84] Al-Iji also does not insist on appointing an imam regardless of conditions. One can postpone or abort the appointment, without abandoning the principle itself, if the candidate abstains from accepting the imamate or he lacks a required qualification, since there is no obligation to appoint any particular individual.[85]

Conclusion

As jurists and theologians, Sunni scholars adopted scripture as their primary frame of reference. Nevertheless, they did realize that the world without revelation was not always in ruins and illegitimate. They acknowledged that humans shared the same nature that God had given them and, through the faculty of reason, could discern a path toward political and social order on their own, without revelation. Political leadership was one such task that humans developed in order to live as their nature dictated:

cooperation, socialization, and organization. The imamate represented one particular form of leadership, and certainly a better one, but it was not the sole, legitimate form of rulership and therefore did not necessarily preclude other forms. Other forms of leadership existed and were legitimate even though they were inferior to the imamate. Sunni scholars also recognized that the laws governing different polities and societies might and could be different, although divine law was the best and most complete one. Accordingly, the imamate was preferable to other forms of authority.

As long as the caliphate was a reality, the Sunnis defended it; when circumstances changed, they revised their thought to reflect contemporary developments. Their overriding concern was the promotion of social harmony and the welfare of the community, for they worried about the consequences of civil strife. They were able to revise and change their thought because they viewed political leadership as a social utility rather than a doctrinal principle. In elaborating their views—although they continued to use religious arguments from hadith and the Qur'an because of their attachment to Sunni epistemology and methodology (Qur'an, *sunna, ijmaᶜ*, *qiyas)*, within which framework they thought and operated—they also sought ways to explain the rational, historical, and human bases of governance.

There was perhaps a pedagogical dimension to their continued use of religious arguments. Sunni scholars were concerned with how their audience would perceive their ideas and therefore pitched their arguments with the awareness that their audiences who would receive them were composed of individuals with diverse ideological stances. Al-Ghazali seems categorical about this issue. He thinks that the intellectual polity of the scholar involves jurisdiction over the thoughts of the privileged few, but not of the common folk as the latter's understanding is too rudimentary for them to benefit and their power of discrimination is too weak to observe and emulate scholars' actions. Common folk are capable only of following the example of the preachers.[86] If Sunni jurists and theologians had such pedagogical concerns in mind, which is rather likely, they must have attempted to moderate their arguments for both common folk and hadith transmitters in order to make clear where their primary loyalty resided, as well as to guide their audience. If what al-Ghazali and others say reflects the views of a broader pool of scholars and therefore demonstrates an engagement with intellectual opponents for the purpose of explicating humanly knowable reasons for the imamate's necessity, then modern students of Islamic history must carefully consider various discursive strategies within the broader Sunni epistemology to assess how rationalists and traditionists respectively arrived at their positions.

Notes

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1. Ira Lapidus, "State and Religion in Islamic Societies," *Past and Present* 151 (1996): 3ff.
2. I use "Islamic" here to denote the thought produced with reference to Islam as a faith, but not a blanket title to cover any thought produced within the Muslim community.
3. I will use the term imamate to denote, mostly, the political structure embodied in the person of the caliph without implying the abstract notion of state as we use it today.
4. Ahmad b. Yahya b. al-Murtada, *al-Qala'id fi tashih al-ᶜaqa'id*, ed. Albert Nasri Nader (Beirut, 1985), 141: "A query: the majority: it [the imamate] is required by religious law *(tajibu sharᶜan)*. Al-Asamm and some of the Hashwiyya: No."
5. For a brief treatment of the subject and references, see Hayrettin Yücesoy, *Tatawwur al-fikr al-siyasi ᶜinda ahl al-sunna: fatrat al-takwin* (Amman, 1993), 131–133.
6. Saᶜd al-Din Masᶜud b. ᶜUmar al-Taftazani, *Sharh al-ᶜaqa'id al-nasafiyya fi usul al-din wa ᶜilm al-kalam*, ed. Claude Salame (Damascus, 1974), 173–174.
7. Hugh Kennedy, *The Prophet and the Age of the Caliphates* (New York, 2004), 15–22.
8. Patricia Crone, *God's Rule: Government and Islam* (New York, 2004), 4ff., chapter 1 and 17.
9. Fazlur Rahman, *Major Themes in the Qur'an* (Minneapolis, 1994), 37ff.; Frederick M. Denny, "The Meaning of the Umma in the Qur'an," *History of Religions* 15 (1975): 34ff.
10. Crone, *God's Rule*, 4–10.
11. Asma Afsaruddin, "The 'Islamic State': Genealogy, Facts, and Myths," *Journal of Church and State* 48 (2006): 161–162, 163.
12. Al-Baladhuri, *Ansab al-ashraf*, ed. al-Shaykh Muhammad Baqir al-Hammadi (Beirut, 1974), 2: 342. Also, Ibn Abi al-Hadid, *Sharh nahj al-balagha*, ed. Muhammad Abu al-Fadl (Beirut, 1965–1967), 2: 337. Historiographical sources tell us that when the fourth caliph, ᶜAli (d. 661), heard of their views, he remarked that it was true that the allegiance was to God, but people needed someone to take care of their affairs. For an assessment of modern studies on the Kharijites, see Hussam S. Timani, *Modern Intellectual Readings of the Kharijites* (New York, 2008). For a narrative history of the Kharijites, see Latifa al-Bakkay, *Harakat al-khawarij: nash'atuha wa tatawwuruha ila nihayat al-ᶜahd al-umawi khilal 37–132 H.* (Beirut, 2007).

13. Al-Hasan b. Musa al-Nawbakhti, *Firaq al-shiᶜa*, ed. Helmut Ritter (Istanbul, 1931), 10, 15.
14. Crone, *God's Caliph*, 58–61, 269–270. For the role of tribal values in public life and politics, see ᶜAbd al-ᶜAziz al-Duri, *Muqaddima fi ta'rikh sadr al-islam* (Beirut, 1984), 42ff.
15. Pseudo-al-Nashi al-Akbar, *Frühe muᶜtazilitische Häresiographie (Masa'il al-imama)*, ed. Josef van Ess (Beirut, 1971), 49–50 (henceforth *Masa'il*), 49. For its attribution to Jaᶜfar ibn Harb (236/850), see Wilferd Madelung, "Frühe muᶜtazilitische Häresiographie: Das Kitab al-Usul des Gaᶜfar ibn Harb," *Der Islam* 57 (1980): 220ff. Madelung has provided convincing evidence for its authorship.
16. *Masa'il*, 60–61.
17. ᶜAbd al-Qahir al-Baghdadi, *Usul al-din*, ed. Helmut Ritter (İstanbul, 1928), 274.
18. Ibid.
19. For instance see al-Husayn b. al-Hasan al-Hulaymi, *Kitab al-minhaj fi shuᶜab al-iman*, ed. Hilmi Muhammad Fuda (Beirut, 1979), 3: 151, 162, 163; ᶜAbd al-Halim al-Juwayni, *Kitab al-irshad ila qawatiᶜal-adillat fi usul al-iᶜtiqad*, ed. Asᶜad Tamim (Beirut, 1985), 359; ᶜAbd al-Rahman b. Khaldun, *Kitab al-ᶜibar wa diwan al-mubtada' wa 'l-khabar* (Beirut, 1967), 1: 343ff.
20. Muhammad b. Hasan ᶜAbd al-Jabbar, *al-Mughni fi abwab al-ᶜadl wa 'l-tawhid*, ed. ᶜAbd al-Halim Mahmud and Sulayman Dunya (Cairo, n.d.?), 20: 16.
21. Al-Baghdadi, *Usul*, 271.
22. Ibn al-Murtada, *al-Qala'id*, 141.
23. See Scott C. Lucas, *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam: The Legacy of the Generation of Ibn Sa'd, Ibn Ma'in, and Ibn Hanbal* (Leiden, 2004). [Unnecessary; people in the field certainly know where Leiden is]
24. Ahmad b. Hanbal, *Musnad*, ed. Ahmad Muhammad Shakir and al-Husayni ᶜAbd al-Majid Hashim (Cairo, 1980), 10: 133–134; al-Harith b. Asad al-Muhasibi, *al-Masa'il fi aᶜmal al-qulub wa 'l-jawarih fi 'l-makasib wa 'l-aᶜmal*, ed. ᶜAbd al-Qadir Ahmad ᶜAta (Cairo, 1969), 208; Ahmad b. al-Dahhak b. Abi ᶜAsim, *al-Sunna*, ed. Muhammad Nasir al-Din al-Albani (Beirut, 1980), 2: 503–504.
25. Al-Nawbakhti, *Firaq*, 8.
26. For this and similar traditions see, Ahmad b. Hanbal, *Musnad*, 10: 133–134; Ibn Abi ᶜAsim, *al-Sunna*, 2: 503–504; ᶜAli b. Muhammad al-Mawardi, *al-Ahkam al-sultaniyya wa 'l-wilayat al-diniyya* (Beirut, 1985), 5. See also the extensive and excellent study on this subject by Asma Afsaruddin, *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership* (Leiden, 2002), 197ff.
27. See Asma Afsaruddin, "In Praise of the Caliphs: Re-creating History from the Manaqib Literature," *International Journal for Middle East Studies* 31 (1999): 333, 338, 344.
28. Al-Nawbakhti, *Firaq*, 8.

29. Abu Hasan ʿAli b. al-Husayn Al-Ashʿari, *al-Ibana ʿan usul al-diyana*, ed. Husayn Mahmud (Cairo, 1986), 251–255.
30. Al-Ashʿari, *al-Ibana*, 259; also in his *Maqalat al-Islamiyyin*, ed. Helmut Ritter (Istanbul, 1927), 455.
31. Al-Ashʿari, *al-Ibana*, 255–256. At the same time, he noted the principle of legal consensus, *ijmaʿ*.
32. Al-Baghdadi, *Usul*, 650–651.
33. ʿAmr b. Bahr al-Jahiẓ, "al-Jawabat fi al-Imama," in *Rasa'il al-Jahiẓ*, ed. ʿAbd al-Salam Harun (Cairo, 1979), 1–2: 390ff.
34. Transmission and instruction *(al-naql* and *al-samʿ)* are also used to denote divine command.
35. *Masa'il*, 49; ʿAbd al-Jabbar, *al-Mughni*, 20: 1/318; Ibn Abi al-Hadid, *Sharh*, 2: 308; Muhammad b. ʿAbd al-Karim al-Shahrastani, *al-Milal wa 'l-nihal*, ed. Muhammad Sayyid Kilani (Beirut, 1986), 1: 160.
36. It is clear from above that hadith transmitters and their supporters sided with the revealed knowledge *(naql)* position, while the majority of the Muʿtazilas preferred reason *(aql)* originating in the human intellect. This opinion was attributed to al-Jahiz and al-Kaʿbi; see al-Baghdadi, *Usul*, 272; Adud al-Din ʿAbd al-Rahman b. Ahmad al-Iji, *al-Mawaqif fi ʿilm al-kalam* (Cairo, n.d.), 395. According to al-Iji, al-Jahiz maintained that the imamate was simultaneously a religious as well as rational necessity. The Shiʿa maintained that the imamate was a rational requirement attributable to God's grace *(lutf)*. The fact that God does not leave his creatures without guidance is a rational proposition; *Masa'il*, 49; ʿAbd al-Jabbar, *al-Mughni*, 20/1: 318; Ibn Abi 'l-Hadid, *Sharh*, 2: 308; al-Shahrastani, *al-Milal*, 1: 160. Although both the Muʿtazila and the Shiʿa regarded the *imama* as a rational necessity, the Shiʿa saw God responsible for it, while the Muʿtazila considered it a mundane office to fulfill social needs (see al-Baghdadi, *Usul*, 272; al-Iji, *al-Mawaqif*, 395), and as such changeable (*Masa'il*, 49, 59–60, al-Ashʿari, *Maqalat*, 460, al-Baghdadi, *Usul*, 271–272).
37. Al-Nawbakhti, *Firaq*, 7.
38. For his reports see ʿAbd al-Razzaq b. Hammam al-Sanʿani, *al-Musannaf*, ed. Habib al-Rahman al-Aʿzami (Beirut, 1970), 5: 439ff., 448–450, 485ff.
39. Ibn Hisham, *al-Sira*, 2: 661; al-Zubayr b. Bakkar, *al-Akhbar al-muwaffaqiyyat*, ed. Sami Makki al-ʿAni (Baghdad, 1972), 579; Pseudo-Ibn Qutayba al-Dinawari, *al-Imama wa 'l-Siyasa*, ed. Khalil al-Mansur (Beirut, 1997), 1: 18.
40. Al-Nawbakhti, *Firaq*, 7–8.
41. Al-Jahiẓ, "*Kitab al-Futya*," in *Rasa'il al-Jahiz*, 1: 213–214; al-Jahiz, *al-ʿUthmaniyya*, ed. ʿAbd al-Salam Harun (Cairo, 1955), 250, 256, 261–263; al-Jahiz "*al-Jawabat*," 4: 285ff.
42. Ahmad b. Yahya al-Baladhuri, *Ansab al-Ashraf*, ed. ʿAbd al-ʿAziz al-Duri (Weisbaden, 1978), 3: 270, 292, 294; Abu Muhammad Ahmad b. Aʿtham al-Kufi, *Kitab al-futuh*, ed. Muhammad ʿAbd al-Muʿid Khan et al. (Hyderabad, 1968–1975), 6: 273–274, 355; al-Nawbakhti, *Firaq*, 9–10; Ibn Saʿd, *Kitab al-tabaqat al-kabir*, 7: 18, 79, 82.

43. Al-Nawbakhti, *Firaq*, 9; Sa'd b. ᶜAbd Allah b. Khalaf al-Qummi, *Kitab al-maqalat wa al-firaq*, ed. Muhammad Jawad Shakur (Tehran, 1963), 132.
44. In his discussion of the election of Abu Bakr, see, Muhammad b. Idris al-Shafiᶜi, *al-Risala*, ed. Ahmad Muhammad Shakir (Cairo, 1940), 419–420.
45. Al-Baghdadi, *Usul*, 272.
46. For arguments involving *ijmaᶜ*, see al-Baghdadi, *Usul*, 272; *Masa'il*, 49, Ibn al-Murtada, *al-Qala'id*, 141; ᶜAbd al-Jabbar, *al-Mughni*, 20/1: 318; al-Nawbakhti, *Firaq*, 7–8; Muhammad b. Muhammad al-Maturidi, *Risalat al-ᶜaqa'id* in Yusuf Ziya Yörükan, *İslam akaidine dair eski metinler: tevhid kitabıve akaid risalesi* (Istanbul, 1953), 21; al-Mawardi, *al-Ahkam*, 5; Muhammad b. Husayn Abu Yaᶜla al-Farra', *al-Ahkam al-Sultaniyya*, ed. Muhammad Hamid al-Faqi (Beirut, 1983), 19; Nur al-Din al-Sabuni, *Kitab al-bidaya ᶜan al-kifaya fi 'l-hidaya fi usul al-din*, ed. Fathallah Khulayf (Cairo, 1979), 100.
47. Al-Juwayni, *Kitab al-irshad ila qawatiᶜ al-adilla fi usul al-iᶜtiqad*, ed. Muhammad Yusuf Musa and ᶜAli ᶜAbd al-Munᶜim ᶜAbd al-Hamid (Baghdad, 1950), 417, 428–430.
48. Maymun b. Muhammad al-Nasafi, *Tabsirat al-adilla*, ed. Claude Salame (Damascus: 1993), 824.
49. Al-Nasafi, *Tabsirat al-adilla*, 823.
50. Al-Taftazani, *Sharh al-ᶜaqa'id*, 172. "Whoever dies from the people of the *qibla* without knowing the imam of his time, he died a death of *jahiliyya*." [Full citation given above in fn 7]
51. Ahmad b. Hanbal, *Musnad*, 10: 133–134; al-Muhasibi, *Masa'il*, 208; Ibn Abi ᶜAsim, *al-Sunna*, 2: 503–504; al-Ashᶜari, *Maqalat*, 460; al-Maturidi, *Risalat al-ᶜaqa'id*, 21; *Masa'il*, 49; al-Jahiẓ, "Kitab al-Futya," 1: 213–214; al-Jahiẓ, *al-ᶜUthmaniyya*, 14, 250, 256, 261–263; al-Jahiẓ, "al-Jawabat," 4: 285ff.
52. Art. "Maslaha," in *Encyclopedia of Islam*, new edition, ed. H. Gibb et al. (Leiden and London, 1960–2000), 6: 738.
53. Al-Juwayni, *al-Irshad*, 410.
54. Al-Juwayni, al-*Ghiyathi: Ghiyath al-umam fi iltiyath al-zulam*, ed. ᶜAbd al-ᶜAzim al-Dib (n.pl., 1981), 22.
55. Ibid., 22–24.
56. Abu Hamid Muhammad b. Muhammad al-Ghazali, *Ihya ᶜulum al-din* (Cairo, 1967), 1: 157.
57. ᶜAbd al-Jabbar, *Sharh usul al-khamsa*, ed. ᶜAbd al-Karim ᶜUthman (Cairo, 1965), 750.
58. Al-Baghdadi, *Usul*, 271–272; al-Nawbakhti, *Firaq*, 7; al-Sabuni, *al-Bidaya*, 100.
59. Al-Mawardi, *al-Ahkam al-Sultaniyya wa 'l-wilayat al-diniyya*, ed. Ahmad Mubarak al-Baghdadi (Kuwait, 1989), 3–4. See also al-Mawardi, *Adab al-dunya wa al-din*, ed. Mustafa al-Saqqa (Beirut, 1985), 132ff., for another perspective of his.
60. Al-Taftazani, *Sharh*, 173–174.
61. Anthony Black, *The History of Islamic Political Thought* (Routledge, 2001), 84–85.

62. Crone, *God's Rule*, 263–264. Crone notes the discussion on primeval innocence *(bara'a asliyya)* but does not dwell much on it, which I think is of paramount importance for this discussion.
63. A. Kevin Reinhart, *Before Revelation: The Boundaries of Muslim Moral Thought* (New York, 1995), 3–9.
64. See the discussion in Reinhart, *Before Revelation*, 12.
65. Muhammad b. Ahmad Ibn Rushd, *Bidayat al-mujtahid wa nihayat al-muqtasid* (Beirut, n.d.), 1: 30, also 63.
66. Al-Ghazali, *Ihya'*, 1: 23.
67. Ibid.
68. Ibid.
69. Ibid., 1: 23–24.
70. Al-Husayn b. Muhammad b. al-Mufaddal al-Raghib al-Isfahani, *Kitab al-dhari^{c}a ila makarim al-shari^{c}a*, ed. Abu Yazid al-Ajami (Cairo, 1985), 374.
71. Ibid., 375–376, 379.
72. Ibid., 377.
73. Naji al-Tikriti, *al-Falsafa al-siyasiyya ^{c}inda Ibn Abi al-Rabi^{c} ma^{c}a tahqiq kitabihi suluk al-malik fi tadbir al-mamalik* (Beirut, 1980), 174–175.
74. Ahmad b. ^{c}Abd al-Halim Ibn Taymiyya, *Public Duties in Islam: The Institution of the Hisba*, trans. Mukhtar Holland (Leicester, UK, 1982), 20.
75. Ibid., 20
76. Ibid.
77. Ibid., 20–21.
78. Ibid., 21.
79. Al-Iji, *Mawaqif*, 395.
80. Ibid., 396.
81. Ibid.
82. Ibid., 398.
83. Ibid., 397.
84. Ibid., 396–397.
85. Ibid., 397.
86. Al-Ghazali, *Ihya'*, 1: 23–24.

2

Alfarabi and the Foundation of Political Theology in Islam*

Massimo Campanini

Political theology is a field of study initiated in contemporary times by the German philosopher of politics Carl Schmitt in the 1920s.[1] Political theology contends that political concepts and theological concepts are strictly linked and that the concepts of politics are in a sense derived from theology. Very recently, Giovanni Filoramo put the question as follows:

> [Political theology] is the historical and political study of the way theological concepts and representations of the divine in a particular religious tradition correspond with the forms and the dynamics of a particular structure of power and political authority. All this has two basic meanings: 1) the way political structures are mirrored in the theological conceptions; 2) and *vice versa*, the way theological conceptions must be shaped in order to provide proper representations of divinity and sovereignty. The element that mediates between these trends is the religious community which is, at one time, the privileged subject and object of political theology.[2]

Another possible definition is the following: "two aspects of political theology may be distinguished . . . one examines the theological implications of politics . . .; the other the political implications of theology."[3]

Now, in my focus on Alfarabi's thought, my aim in this chapter is to study the relations between religion and politics. We shall see that Alfarabi complies perfectly with the aforementioned definitions. Moreover, the religious community Filoramo hinted at is *al-madina al-fadila* ("the virtuous city") itself. But before I begin an in-depth study of the issue, I have to make more precise the relation of political theology with Islam. For this, I resort to the clear analysis of Michele Nicoletti.

Nicoletti singles out five dimensions of political theology.[4] The first dimension is *political theology as the theological legitimization of a political order*. Now, as Nicoletti puts it,

> there is no doubt that, if political theology is understood as *theologia civilis*, i.e. as an affirmation of the sacrality of political power and of its representatives and if it envisages in a particular political order *the* realization of the Kingdom of Heaven, then the incompatibility between Christianity and *theologia civilis* is absolutely clear. The mystery of God is revealed in Christ, the incarnate Son of God, and only through him. Any representation of the divine through persons or institutions not derived from the revelation is idolatry because it divinizes mundane realities. [. . .] It means that Christianity and particularly its Trinitarian doctrine exclude the possibility of deducing a determined political organization directly from theology.[5]

I believe, *in accordance* with these premises, that if Christianity cannot be reduced to political theology as the legitimization of a particular political order, then neither can Islam. For in Islam—at least in Sunni Islam—no representation or incarnation of the divine in human beings or political institutions is allowed (Shi'i Islam departs from this by its doctrine of the perfect *imam* however). In Sunni political theory, the caliph is vice-regent of the Prophet and not of God, albeit a few 'Abbasid caliphs or a few Ottoman sultans were eager to define themselves as "shadows of God on Earth." We are not able to deduce *directly* either from the Qur'an or from the *sunna* (nor from Islamic theology) any form of political structure, not even a presumed *Islamic* state. The idea of an Islamic state is highly ambiguous. We can probably say that the Islamic state never existed, at least after the experience of the Prophet Muhammad in Medina. Moreover, although God is the source of power in Islam, no Islamic political institution realized the kingdom of God on Earth, apart from the golden age of Muhammad at Medina. Theocracy is automatically set aside because, although the kings resorted to God or to religious law in order to legitimate their power, neither did they rule in obedience to religious Law nor did the representatives of religion (the '*ulama*') exercise any influence on political power.[6]

At any rate, if political theology is a kind of politics going back to God in order to realize its objectives and if the concept of God as the supreme legislator is a form of political theology, surely Islam had its own political theology in that, on the one hand, (almost) all its rulers sought the legitimization of their power in religion, and, on the other hand, God is held to be the main source of legislation and power.

Another intriguing feature in the relation between political system and religion must be underlined. In the *City of God* of St. Augustine, civil power and the worldly city are the outcomes of sin and of the Fall. This involves a kind of dualism unknown to Islam. Moreover, such a dualism implies that power is in itself wicked and many thinkers worried about this consequence. On the other side, the wickedness of power involves a nihilistic outlook: if all worldly power is illegitimate, then it is necessary to give up politics completely. This paradoxical consequence was clear in Carl Schmitt's mind when he commented on Jakob Burckhardt's statement that "power is wicked in itself." Now, Schmitt argued that this proposition contains much more atheism and nihilism than we are able to find in the whole of the anarchic theorist Mikhail Bakunin's work, and may even mean that "God is dead," in Nietzsche's terms. For, as Jan Assman pointed out, Carl Schmitt, starting from the Pauline principle that "there is no authority but from God," argued that, if somebody does think that power is wicked, he/she implicitly denies the existence of God.[7] Paradoxically, with his dualism between the worldly and the heavenly cities, Augustine can be said to have unconsciously established the basis for atheism. The Islamic outlook is completely at odds with this, primarily because there is no dualism in Islam between power and religion. To sum up, political theology in western and Christian thought is negative: power being wicked, we have to deny the very existence of God. Political theology in Islamic thought is positive: power being a benefit of God, we have to assert the existence of God.[8]

This positive character is demonstrated by Prophet Muhammad himself, who migrated from Mecca to Medina in order to establish the spiritual and political body of the *umma*. The *madina* grounded on submission to God—the very meaning of Islam—is by itself "just" and "right": "God does not command indecency. [. . .] Say: My Lord has commanded justice. Set your faces in every place of worship and call on Him" (Qur'an 7:28–29; tr. Arberry). This is ultimately the aim of the radical Muslims when they contend that "government is only for God" *(al-hakimiyya illa li-'llah)*. Ibn Khaldun (d. 1406) said that politics has been set up by God for the public interest. Theoreticians such as al-Mawardi (d. 1058) employed all their skill to bolster the institutions willed by God: "The Imamate is prescribed to succeed prophethood as a means of protecting religion and managing the affairs of this world."[9] Modern radical thinkers, like Sayyid Qutb (d. 1966), made strong efforts to turn what they believed to be ignorant or pagan religion *(jahiliyya)* into true religion. God commanded: "Guide us in the straight path *(al-sirat al-mustaqim)*, the path of whom Thou hast blessed, not of those against whom Thou art wrathful nor of those who are astray" (Qur'an1: 6–7). The Islamic message is active in essence, mainly in politics.

In Nicoletti's analysis, the second aspect of political theology is the *theological reflection on politics.* "This is the meaning of *théologie politique* in Jacques Maritain's book *Humanisme intégral:* the locution refers to politics as a profane object starting from the content of revelation." To consider politics as a profane object deriving from the content of revelation is again a concession to Augustine's dualism and could have no meaning in Islam. A philosopher like Alfarabi, as we shall see below, reverses the perspective: religion is something pertaining to the sacred starting from the perspective of politics. However, if political theology is a way to assert the will of God in the form of a political order, the development of all Islamic political thought from al-Mawardi or Ibn Taymiyya onward is a step in that direction.

Political theology as *theological hermeneutics in contemporary times* is unknown in Islamic thought. Rather we are able to detect political theology in Islam as a *structural analogy between juridical and theological concepts*, in conformity with Carl Schmitt's argument that political concepts are borrowed from theology. The juridical dimension is essential in Islam. In Islam, jurisprudence is pivotal for religion, and religion, even more than theology, takes shape in jurisprudence. Conversely, Islamic political language always resorts to metaphors and images borrowed from religion. It does not mean, however, that in Islam *political theology is hermeneutics of politics* insofar as it reveals, in the light of a hermeneutics of politics, an element of transcendence within the same politics. For I am not sure that this contention is demonstrated by Islamic history, where—as I have already argued—the management of political power has (almost) always been separated from religion and religious institutions, although alliances were actually made between rulers and '*ulama*'.[10] Moreover, if we take account of the theoretical elaboration, maybe the contrary is true: namely, that politics is a dimension of transcendence.

So far it seems that the concept of political theology is hardly consistent with Islam. It sounds quite paradoxical in that Islam is by nature religion and world *(din wa dunya)*, so that political theology ought to be peculiar to it. Which other ideology but Islam could be political from the point of view of religion if it is true that Islam is theocratic? Theocracy in Islam does not matter here. Rather, it is important to underline that the subject of political theology (in Schmitt's or Peterson's view) has largely been neglected by the scholars of Islam. In my opinion, one of the main reasons for this neglect is that Islam does not share with Christianity the same mythical imagery. Only in Christianity are we able to speak of political Christology, of the angels of nations, of a demoniacal dimension of power, et cetera. Theological symbols enable Christian thought to have a political theology, whereas the concept of theology is quite ambiguous in Islam and the concept of

political theology even more. On the other hand, it is true that Islam is strongly grounded on one of the most pregnant concepts of political theology, that is, the *sovereignty* of God: God is the master *(rabb)* and the king *(malik)* of the universe.

Given these premises, the cornerstones of the inquiry into political theology on which I focus here with respect to Alfarabi are basically two:

(a) achieving the theological legitimacy of a political order;
(b) determining how God has sanctioned and prescribed a political order through the Law.[11]

In this chapter, I argue that Alfarabi's thought can be understood better in the light of political theology insofar as the questions of religion, politics, and philosophy are interrelated. Alfarabi can be viewed as a forerunner of political theology in Islam. Obviously, he did not formulate a clear theory on this peculiar contemporary issue. Nonetheless, he speculated about politics and religion and tried to lay down their particular scope as well as their mutual relation.

Three sets of problems emerge, all in the light of political theology:

(a) Whether politics is a religious science (as in a theocracy) and in a sense an extension of religion (theocentrism), *or* whether religion is drawn from politics (leading to secularism).
(b) Whether political science is useful for understanding and applying religion *or* whether religion is an art useful for the exercise of politics.
(c) Whether the state needs to be ruled by religion *or* whether religion needs the state in order to be implemented and defended.

It is characteristic that the starting point is politics, not religion. A major difficulty in studying Alfarabi's thought is the impossibility of reconstructing with certainty the chronology of his works. At any rate, in *Ihsa' al-'ulum* (Chapter Five), he puts forward the following definition of political science:

> Political science investigates the sorts of voluntary actions and ways of life—the dispositions, moral habits, inclinations and states of character—from which those actions and ways of life come about; the goals for the sake of which they are performed; how they ought to exist in a human being; how to order them in him according to the manner they ought to exist in him; and the way to preserve them for him. It distinguishes among the goals for the sake of which the actions are performed and the ways of life practiced.

> It explains that some of them truly constitute happiness and that some are presumed to be happiness without being so and that it is not possible for the one which is truly happiness to come to be in this life, but rather in a life after this one, which is the next life. [. . .] It explains that those through which what is truly happiness is obtained are the goods, the noble actions, and the virtues; that the rest are evils, base things, and imperfections; and that the way they are to exist in a human being is for the virtuous actions and ways of life to be distributed in cities and nations in an orderly manner and to be practiced in common.[12]

The chain is arranged as follows: virtues → voluntary noble actions → ways of life →← goals of the political associations and communities. This passage from *Ihsa' al-'ulum* shows a positive outlook: the possibility of achieving political happiness in cities is demonstrated by political science and consists in virtuous actions and virtuous ways of life performed in order to achieve, through social happiness, the highest happiness—that of the Afterlife. This perspective is probably different from Alfarabi's contention in the lost *Commentary on the Nicomachean Ethics*, possibly the very last work of the author, where he is said to have contended that the only possible happiness is achieved in society, thereby jettisoning the spiritual and other-worldly happiness of the Afterlife. The way religion and religious sciences are to be brought together is not clearly defined in *Ihsa' al-'ulum*. Alfarabi deals with them in the last chapter, the fifth, along with political science and jurisprudence, but seemingly without establishing a mutual connection or a hierarchical relationship among them.

In his discussion, Alfarabi does not seem to establish a direct link between philosophy and religion. It is well known that he has sometimes been charged with subordinating religion to philosophy, insofar as only philosophy is said to be truth and knowledge, while religion is merely a pale reproduction of truth. Although Alfarabi argues that religion is grounded in philosophy, does this mean that religion is only a pale reproduction of the philosophical truth? If so, religious science would be just a connection between philosophical knowledge and juridical practice without any real importance of its own. One particular passage in the *Tahsil al-sa'ada* seems to suggest this:

> Once the images representing the theoretical things demonstrated in the theoretical sciences are produced in the souls of the multitude and they are made to assent to their images, and once the practical things (together with the conditions of the possibility of their existence) take hold of their souls and dominate them so that they are unable to resolve to do anything else, then the theoretical and the practical things are realized. Now these things are philosophy when they are in the soul of the legislator. They are religion

> when they are in the souls of the multitude. For when the legislator knows these things, they are evident to him by sure insight, whereas what is established in the souls of the multitude is through an image and a persuasive argument.[13]

This argument is the presupposition of a second definition of political science put forward in the *Tahsil al-sa'ada:*

> To achieve what he can of that perfection, every man needs to stay in the neighborhood of others and associate with them. It is also the innate nature of this animal to seek shelter and to dwell in the neighborhood of those who belong to the same species, which is why he is called the social and political animal. There emerges now another science and another inquiry that investigates these intellectual principles and the acts and states of character with which man labors towards his perfection. From this, in turn, emerge the science of man and political science.[14]

Political science here is the inquiry into those intellectual principles leading human beings, as political animals, to cooperate in order to achieve happiness. Many years ago Fawzi Najjar commented on this passage, arguing that if political science determines what real happiness is and if real happiness consists in the knowledge of the separate beings—God and the angels—it is obvious that political science is concerned with divine arguments. Consequently, it is no longer possible to separate "politics" and "religion." This may partially explain why Alfarabi discusses the religious sciences of *fiqh* and *kalam* as corollaries of political science. There is the danger that political science, defined or understood accordingly, would usurp the function of metaphysics or theology.[15] Thus, the transition from politics to religion is the natural outcome of the fact that true happiness and virtue derive from philosophy. This predominance of philosophy, of which political science is a branch, makes religion risk becoming inferior or subordinate to philosophy. This is what we learn from the *Tahsil al-sa'ada*. It is clear, however, that Alfarabi discusses politics in Islamic terms and Islam in political terms.

Thus, we may be able to formulate our question in another way. Is Greek philosophy expressed by Alfarabi in Islamic terms or is Islam to be understood in terms of Greek political philosophy? Salvador Gómez Nogales once said a long time ago that politics for Alfarabi is the unique religious science because "*politics is a transcendental science.* It is the last to be enumerated. With it metaphysics and theology are constituted, possessing all the characteristics of an authentic revelation from God, including their being brought together in prophecy. From whence it follows that *politics* is the sole theology and the *authentic religious* science."[16] I agree with

the premise, but my opinion differs completely from Nogales as concerns the conclusion. Politics is the sole religious science, to be sure. Does that mean that politics is a religious science or that religion finds its theoretical ground in politics? If we formulate the question as follows: *religion is so much an element of politics that politics draws its legitimization from religion*, we have a clear formulation of the twofold presupposition of political theology. I will now try to answer the question through an analysis of the *Kitab al-milla*.

We have to begin by returning to the *Tahsil al-saʿada*. In this book Alfarabi takes on, as it were, an Averroistic stance. First of all, he attributes to philosophy the task of setting up society and civil governance and seems to recognize that intellectual and theoretical truths decay if addressed to the masses *(al-jumhur)*: "[theoretical things *(ashya' nazariyya)*] are philosophy *(falsafa)* when they are in the soul of the legislator and religion *(milla)* when they are in the souls of the multitude." Accordingly, Daniel Frank argues that Alfarabi is impious and deems that religion is only a pale picture of philosophy, useful only for uneducated people—a Straussian interpretation.[17] As always, we have to avoid such rigid interpretations, not least because Alfarabi's language and arguments are not always consistent. At odds with Frank, I believe that the real philosophical attitude of Alfarabi in Section 56 (Mahdi 55) of the *Tahsil al-saʿada* is a move toward a full, as it were, "Averroistic" distinction between philosophy and religion. We have to read the section in full:

> Every instruction is composed of two things: making what is being studied comprehensible and causing its idea to be established in the soul and causing others to assent to what is comprehended and established in the soul. There are two ways of making a thing comprehensible: first, by causing its essence to be perceived by the intellect, and second by causing it to be imagined through the similitude that imitates it. Assent, too, is brought about by one of two methods, either the method of certain demonstration or the method of persuasion. Now, when one acquires knowledge of the beings or receives instruction in them, if he perceives their ideas themselves with his intellect, and his acceptance of them is by means of certain demonstration, then the science that comprises these cognitions is philosophy (*falsafa*). But if they are known by imagining them through similitudes that imitate them, and assent to what is imagined of them is caused by persuasive methods, then the ancients call what comprises these cognitions religion (*milla*). And if those intelligibles themselves are adopted and persuasive methods are used, then the religion comprising them is called popular, generally accepted, and external philosophy. Therefore, according to the ancients, religion is an imitation of philosophy. Both comprise the same subjects and both give an account of the ultimate end for the sake of which man is made—that is, supreme happiness.[18]

Now, I am sure that Alfarabi's argument involves no value judgement, disqualification of religion, or reduction of religion to philosophy. Simply put, Alfarabi, as much as Averroes later, argues that philosophy and religion are two parallel and legitimate methods for achieving truth and knowledge and causing assent, although philosophy, *from a purely epistemological point of view*, is more convincing and stronger than religion because it is grounded on apodictic demonstrations. As Averroes would put it, there is only one truth expressed and brought about albeit in two (or perhaps more) different ways.

Thus if we scrutinize Section 61 of the *Tahsil al-sa'ada* (Section 59 in Mahdi's translation) thoroughly, we understand that philosophy and religion are merely *one* truth expressed in two different ways:

> When the legislator knows these things, they are evident to him by sure insight, whereas what is established in the souls of the multitude is through an image and a persuasive argument. Although it is the legislator who also represents these things through images, neither the images nor the persuasive arguments are intended for himself. As far as he is concerned, they are certain [. . .] The images and persuasive arguments are intended for others, whereas, so far as he is concerned, these things are certain. They are a religion for others, whereas, so far as he is concerned, they are philosophy.[19]

I have maintained here Muhsin Mahdi's translation to show that even though he translates with a Straussian prejudice, the text is absolutely clear and moves in the direction of recognizing a full correspondence of religion and philosophy. The first, however, is imaginative and grounded in persuasive arguments, wheareas the second is certain and apodictic.

The same contention can be put forward about a subtle passage of *Kitab al-Siyasa al-madaniyya*:[20] "Those who move towards happiness by conceptualization and receive the principles as concepts are philosophers *(hukama');* those in whose souls the principles are present and are received by imagination are believers *(mu'minun).*" At first glance, it seems that Alfarabi argues for a subordination of religion to philosophy. However, I believe on the contrary that he has an *ante litteram* Averroistic attitude: religion and philosophy occupy different epistemological levels, but their contents are the same. Philosophy "thinks" the principles through intellect; religion "imagines" the principles through imitation. The principles are always the same, however.

The following passage in the *al-Madina al-fadila* has been compared by many scholars to the analysis of the relation between religion and philosophy in the *Tahsil al-sa'ada* (or in the *Kitab al-huruf*):

> The philosophers in the city are those who know these things through strict demonstration and their own insight; those who are close to the

> philosophers know them as they really are through the insight of the philosophers, following them, assenting to their views and trusting them. But others know them through symbols which reproduce them by imitation, because neither nature nor habit has provided their minds with the gift to understand them as they are.[21]

In the present context, Alfarabi does not intend religion in the sense of piety and adoration of God, but as the general *Weltanschauung* shared by the inhabitants of the virtuous city. For, in addition to religious elements, religion contains philosophical ones. The aim is to know the existence of God and His attributes; the structure of the heavens and their hierarchy; animal life; the first intelligibles and politics; and the other-worldly destiny of the soul. Thus, Alfarabi suggests that there are many different approaches—proportionate to everyone's intellect—to the *philosophical truth* of which the religious truth is a part. Religious *pietas*, which is defended as necessary in opposition to the unbelief and skepticism of the inhabitants of the wicked and misguided cities, is not explicitly "Islam," for Alfarabi argues that many different faiths can live together in the virtuous city.[22] Religious *pietas*, however, is practical popular piety in relation to the wholly theoretical piety of the philosophers, because philosophy alone deals with God on a speculative and theoretical level, while common religion deals with the spiritual health of the masses. The same qualities that Alfarabi accords to the first ruler of the virtuous city point in this direction:

> He will be a philosopher; he will know and remember the Laws *(shara'i'a)* and customs and rules of conduct with which the first sovereigns had governed the city, conforming in all his actions to all their actions. He will excel in deducing a new law by analogy where no law of his predecessors has been recorded, following for his deductions the principles laid down by the first *imams*; [. . .] he will be good at guiding people by his speech to fulfill the laws of the first sovereigns as well as those laws which he will have deduced in conformity with their principles after their time.[23]

Now if philosophy deals with God and if religion—which in Islam is grounded on jurisprudence whose application and interpretation is a concern of the *imam*—deals with the practical aspects of human behavior, political science represents the common *background* of both. For political science makes the connection between philosophy and theology possible in a coherent comprehensive outlook. In *al-Madina al-fadila*, political science is a skill useful for understanding the metaphysical basis of political reality. In *al-Madina al-fadila*, therefore, religion is grounded in politics insofar as politics is practiced in connection with religion. This is proved by the fact

that political science is the link between God and the human community and is the way to transcend contingency and materiality.[24]

Philosophy formulates the right concepts regarding God, the universe, and the human being, and religion makes use of them as presuppositions useful for implementing the social and political goal of managing the society and the state. Thus, religion is the driving belt between philosophy and politics. Political science is a religious science whose basis is philosophy.

The *Kitab al-milla* may well be the most fruitful text for grasping Alfarabi's discussion of the relation between religion and political science. In a sense, it lays the foundation for a political theology. Muhsin Mahdi put forward the following interpretation:

> Medieval political philosophy is by and large a philosophy of religion just as classical political philosophy is by and large a philosophy of the city and modern political philosophy is by and large a philosophy of the state. In chapter 5 of the *Enumeration of the sciences*, Alfarabi juxtaposes the political philosophy of the ancients, that of Plato in particular, to jurisprudence and theology. In this way, he points to the unfinished task of political philosophy, namely the need to develop a philosophy of religion. The relation between religion and philosophy in general and political philosophy in particular is the subject of the *Book of religion*, the counterpart of chapter 5 of the *Enumeration of the sciences*, that fills in the gap in this latter work. It presents religion as the central theme of a new political science or political philosophy—a theme that forces political philosophy to reconsider its relation to theoretical philosophy and to broaden its framework to include opinions about theoretical things in addition to opinions about practical things and actions.[25]

While intriguing, I believe that Mahdi's assertions are sometimes questionable. To argue that *medieval* political philosophy is first of all a philosophy of religion seems to me quite singular. Although it may be true in Islam (but what to do with the tradition of the "mirrors for princes" and with Ibn Khaldun?), I do not see how we are able to enforce this hermeneutical pattern with thinkers like John of Salisbury, Bartolus of Saxoferrato, and Marsilius of Padua. Moreover, another of Mahdi's assertions is questionable, namely that the kernel of Islamic philosophy is political philosophy.[26] To be sure, Alfarabi was a political philosopher, but political matters are marginal in thinkers like Avicenna or Rhazes, and they represent only one facet of Averroes' thought. With respect to the *Kitab al-milla*, it is important to discuss Mahdi's main argument, that political philosophy is needed in order to develop a philosophy of religion so that religion then becomes the main issue of political philosophy. Does this mean that politics is a religious science and/or that religion has a predominantly political dimension?

In the *Kitab al-milla*, Alfarabi apparently argues that there are degrees in religion, so that some religions are more or less perfect than others. Virtuous religion looks like philosophy and virtuous religious Laws *(shara'i' fadila)* obey the principles of practical philosophy, so that demonstrations of the theoretical ideas of religion *(ara' nazariyya)* can be found in theoretical philosophy:

> The jurist concerned with the opinions determined in religion ought already to know what the jurist concerned with practices knows. Jurisprudence (*fiqh*) about the practical matters of religion therefore comprises only things that are particulars of the universals encompassed by political science; it is, therefore, a part of political science and subordinate (*taht*) to practical philosophy. And jurisprudence about the [theoretical or] scientific matters of religion comprises either particulars of the universals encompassed by theoretical philosophy or those that are likenesses of things subordinate to theoretical philosophy; it is, therefore, a part of theoretical philosophy and subordinate to it, whereas theoretical science is the source.[27]

Which is, in short, a more or less explicit[28] subordination of religion to philosophy, *but only*—we have to stress—*on the practical level of action, not in theoretical presuppositions*. The question is no more philosophical, but juridical or concerned with the practical governance of the state. Alfarabi always uses the term *milla* and not *din* to point out religion and it is clear that *milla* indicates precisely the social and political organization of religion.

Moreover, the distinction between philosophy and religion could be justified in the light of the Shi'i-Isma'ili principle of *taqiyya* (precautionary dissimulation), or, even more convincingly, as the outcome of the distinction, again typically Shi'i-Isma'ili, between *batin* (esoteric), that is philosophy, and *zahir*, that is historical religion. This does involve forcing the Farabian text, however, and I do not wish to discuss here the issue of the Shi'i affiliation of Alfarabi.[29]

We must look more closely at the text. The very first lines of the *Kitab al-milla* formulate the following definition of the excellent religion in the virtuous city:

> Religion (*milla*) is opinions[30] and actions determined and restricted with stipulations and prescribed for a community (*jam'*) by their first ruler (*ra'is awwal*), who seeks to obtain through their practicing it a specific purpose with respect to them or by means of them. [. . .] If the first ruler is virtuous and his rulership truly virtuous, then in what he prescribes he seeks only to obtain, for himself and for everyone under his rulership, the ultimate happiness that is truly happiness; and that religion will be virtuous religion.[31]

In the *Siyasa al-madaniyya* we find more or less the same contention: religion is the set of ideas shared by the citizens of the virtuous city and its aim is to obtain happiness.[32]

Religion here can be the Law established by the Prophet legislator—the first ruler of the Community—for his people: first of all the Islamic religion of Muhammad, but also all the religions grounded on revelation. Religion as Law agrees exactly with wise and good governance and aims at providing happiness to the citizens, because happiness is the aim of political society and political science at large.

I believe that in the *Kitab al-milla* Alfarabi puts forward a juridical and political interpretation of religion and this justifies his use of terms like *milla* and *shari'a*. However, he states in a singular passage that *milla*—which normally implies religion and religious community in general—and *din*—which specifically implies Islamic religion—are synonymous.[33]

The definition of political science runs as follows:

> Political science (*al-'ilm al-madani*) investigates happiness first of all. [. . .] Then it investigates the voluntary actions, ways of life, moral habitus, states of character and dispositions until it gives an exhaustive account of all of them and covers them in detail.[34]

The goal and content of religion agree exactly with the goal and content of political science. Both have happiness as their end; both have voluntary and virtuous actions as their content, although—as Mahdi argues—in the *Kitab al-milla* Alfarabi enlarges religion so that it can include the theoretical intelligibles, in addition to the practical intelligibles. Thus, we can understand how politics is a religious science and, accordingly, how religion has a political dimension.

Alfarabi does not stop his inquiry here and widens his contextualization to philosophy. For political science, we read in the *Kitab al-milla*, is a part of philosophy.[35] Now, the *shara'i'*, the revealed religious Laws, are parts of practical philosophy and the virtuous religion is a part of philosophy at large.[36] The circle is thoroughly complete: philosophy provides the general and theoretical framework enclosing the two parallel practical dimensions of religion and political science.

In conclusion,

> Along with the natural constitutions and instincts that He [God] implanted in the world and its parts, the Governor of the world provided other things that make the existence of the world and its divisions persevere and continue in the way He constituted it for very long periods of time. The governor of the virtuous nation ought to do the very same thing: he ought not to limit

himself to the virtuous traits and dispositions that he prescribes for their souls so that they will be made harmonious, linked together and mutually supportive in actions unless he provides, in addition, other things through which he seeks their perseverance and continuation in the virtues and good things he implanted in them from the outset.

In general, he ought to follow God and pursue the traces of the Governor of the world concerning His provision for the [different] sorts of beings and His governance of their affairs: the natural instincts, constitutions, and traits He set down and implanted in them so that the naturally good things are fully realized in each of the realms, according to its level as well as in the totality of the beings. So, too, should he set down in the cities and nations the corresponding arts, and voluntary traits and dispositions, so that the voluntary good things might be fully realized in every single city and nation to the extent that its rank and worth permit, in order that the associations of nations and cities might thereby arrive at happiness in this life and in the afterlife.[37]

The governor of the city, namely the philosopher, must act like God, and *al-madina al-fadila* is, so to speak, the blueprint of this common religion. We find in it all the virtuous ideas the inhabitants of the ideal city must share.

In accordance with God who establishes the rules and the laws of the universe, the philosopher, who in *al-madina al-fadila* is a prophet and a king at the same time, establishes the laws leading the state and the city to their end and good by political science. The end and the good of the city is happiness, which is a consequence of right governance. In order to attain this goal, all the inhabitants of the virtuous city must share the same ideas and opinions, just like the inhabitants of *al-madina al-fadila*—ideas and opinions leading them to right and virtuous behavior. This universally shared doctrine is called by Alfarabi the common religion *(milla mushtaraka)*. Religion is a part of philosophy through political science, and philosophy employs it (religion) in the government of cities and nations.

All this is made clear in the very last section of the *Kitab al-milla*,[38] where Alfarabi describes the correspondence between the order of the universe and the order of the city. Both of them are hierarchically organized. God is at the top of the universal hierarchy of beings, just as the first ruler (the philosopher, prophet, and king) is at the top of the social and political hierarchy of citizens. But Alfarabi goes beyond this. He says, in the very last lines of the book, that God reveals the Law to the first ruler who is explicitly identified with the prophet-king. Revealing the Law to humanity, God is the real sovereign of the city—just as He is the real sovereign of the universe. Political theology is thus fully implemented.

Although Alfarabi's exposition is not everywhere consistent, his political theology is explicit: it consists in making the political value of religion determinate in the framework of philosophy on the one hand, and in recognizing God as the very first ruler of the city on the other. From this point of view, politics does not have a religious value; rather, it is religion that has a political extension. It is by no means theocracy, but a transference of morals and ethics to the secular level of political governance.

Let us make our position more precise. As Simon Mimouni put it discussing Leo Strauss' attitude to political theology: "political theology in its essence is a rejection of political philosophy: the former is deduced from the political teachings contained in the religion of revelation; the latter is the attempt to replace opinions about the nature of political things by knowledge of this nature."[39] It is difficult to draw a clear-cut distinction between the two dimensions in Alfarabi. To be sure, Alfarabi was a political theologian insofar as religion is the basis for his political program. On the other hand, he developed political science as a means to understand the nature of political things.

In any case, I believe that the conception of political theology in Alfarabi represents a refutation of the argument of Leo Strauss and Muhsin Mahdi (as well as that of other authors) that religion is only a pale image of truth while philosophy alone is able to deal with truth properly. Although religion is admittedly a part of philosophy via political science, religion remains the way by which theoretical philosophy manages the practical affairs of the virtuous city, doing so through recourse to persuasive arguments and leading common people to virtue and happiness.

Notes

*I am grateful to Charles Butterworth for his useful comments and for his help in improving my English.

1. See Carl Schmitt, *Politische Theologie. Vier Kapitel zur Lehre der Souveranität* (Munich-Leipzig, 1922). In the 1930s, other thinkers, like Erik Peterson and Eric Voegelin, developed the concept of political theology and, accordingly, of political religion: Erik Peterson, *Der Monotheismus als politische Problem* (Leipzig, 1935); Eric Voegelin, *Die politischen Religionen* (Vienna, 1938).
2. Giovanni Filoramo, *Che cos'è la religione* (Turin, 2004), 347; my translation.
3. Jan Assman, *Herrschaft und Heil. Politische Theologie im Alten Aegypten und Israel* (Munich, 2000); my English translation is from the French translation

by Simon Mimouni in *Teologie politiche: modelli a confronto*, ed. Giovanni Filoramo (Brescia, 2005), 19.

4. Michele Nicoletti, *Trascendenza e potere* (Brescia, 1990).
5. I believe that Nicoletti is influenced by Erik Peterson (*Il monoteismo come problema politico* [Brescia, 1983]), who explicitly contended that the idea of the Trinity, being a mystery and having nothing to do with mundane reality, cannot be represented on a political level. Thus, political theology pertains *only* to Judaism and paganism. It is characteristic of Peterson that he is not concerned with Islam at all.
6. For bibliographical references see my Introduction to Massimo Campanini and Karim Mezran, *Arcipelago Islam. Tradizione, riforma e militanza in età contemporanea* (Roma-Bari, 2007).
7. Jan Assmann, *Potere e salvezza (Herrschaft und Heil)* (Turin, 2002), 15–16.
8. I do not agree with L. Carl Brown, *Religion and State. The Muslim Approach to Politics* (New York, 2000), who argues that the Islamic outlook in politics is essentially pessimistic: the proof of this would be the quietism of classical political doctrine. Rather, I agree with Patricia Crone, *Medieval Islamic Political Thought* (Edinburgh, 2004), who argues that in Islam, political power and the birth of the state are not the effects of the Fall from Paradise. Governance is inherently attributed to God, and from the beginning politics is connected with human reality and behavior.
9. Abu'l-Hasan al-Mawardi, *Al-Ahkam al-Sultaniyyah: The Laws of Islamic Governance*, trans. A. Yate (London, 1996), 10.
10. See my book *Ideologia e politica nell'Islam* (Bologna, 2008).
11. See also *Il Dio mortale. Teologie politiche tra antico e contemporaneo, eds.* Paolo Bettiolo and Giovanni Filoramo (Brescia, 2002); and *Teologie politiche*.
12. Alfarabi, *Ihsa' al-'ulum*, Chapter Five, trans. Charles Butterworth in *Alfarabi. The Political Writings* (Ithaca, NY, and London, 2001), 76–77.
13. *Tahsil al-sa'ada*, ed. Ja'far al-Yasin (Beirut, 1983), 94. This work has been translated by Muhsin Mahdi as *Alfarabi's Philosophy of Plato and Aristotle* (New York, 1962), 47.
14. *Tahsil*, 61–62; Mahdi, *Alfarabi*, 23. In *al-Madina al-fadila*, Alfarabi gives no definition of political science. In the light of the metaphysical foundation of politics set forth in this treatise, however, it is obvious that political science is assimilated to philosophy.
15. Fawzi Najjar, "Al-Farabi on Political Science," *The Muslim World*, 48 (1958): 93–103; at 96.
16. Salvador Gómez Nogales, *La politica como unica ciencia religiosa en Al-Farabi*, in "Cuadernos del Seminario de Estudios de Filosofia y Pensamiento Islamico," I (Madrid, 1980), 102. Emphasis added.
17. In his article on "Ethics" in the *History of Islamic Philosophy*, ed. Seyyed Hossein Nasr and Oliver Leaman (London and New York, 1996), 2: 963.
18. *Tahsil*, 90; Mahdi, *Alfarabi*, 44.
19. Mahdi, *Alfarabi*, 47.

20. In *Obras filosofico-politica*, ed. Rafael Ramón Guerrero (Madrid, 1992), 58, in Arabic text.
21. *Al-Madina al-fadila* (chapter 33 in Nader's edition; chapter 17 in Walzer's edition, 279); and my Italian translation, *La città virtuosa* (Milano, 1996), 251.
22. *Città*, 251.
23. Ibid., 225 (chapter 28 in Nader; chapter 15 in Walzer, 251–253).
24. In *al-Madina al-fadila*, political science is grounded in metaphysics; in *Tahsil al-sa'ada*, political science is grounded in the rationality of human behavior.
25. Muhsin Mahdi, *Alfarabi and the Foundation of Islamic Political Philosophy* (Chicago, 2001), 97.
26. Ibid., 65.
27. Arabic text in *Al-Farabi. Obras Filósofico-Políticas*, 92; Butterworth, *Alfarabi*, 101.
28. We are able to moderate the subordination, however, if we translate *taht* as "enclosed" or "encompassed" *under* practical philosophy.
29. See my introduction to the Italian translation of Alfarabi, *Scritti politici* (Turin, 2007), 13–15; also 38–41.
30. The Arabic is *ara'*, which I, unlike Butterworth, would translate as "ideas."
31. In *Obras filosofico-politicas*, 83; Butterworth, *Alfarabi*, 93.
32. In *Obras filosofico-politicas*, 57–58.
33. Ibid., 86; Butterworth, *Alfarabi*, 96. Butterworth translates *din* as "creed," but I believe that "creed" is too generic, while *din* is a very specific term in Arabic.
34. *Obras filosofico-politicas*, 92; Butterworth, *Alfarabi*, 101.
35. *Obras filosofico-politicas*, 99; Butterworth, *Alfarabi*, 106.
36. *Obras filosofico-politicas*, 86–87; Butterworth, *Alfarabi*, 97.
37. *Obras filosofico-politicas*, 105–106; Butterworth, *Alfarabi*, 112–113. My own Italian translation (see note 30) runs as follows:

> Come l'ordinatore dell'universo dona all'universo e alle sue parti quella natura e quelle disposizioni che si radicano a tal punto che per loro mezzo e in virtù di tale naturalezza permanga e persista l'esistenza dell'universo stesso e delle sue parti per una durata lunghissima, così è necessario che faccia anche l'organizzatore della nazione virtuosa. Invero è necessario che egli non si limiti alle qualità e agli abiti eccellenti che può imprimere nelle anime perché si armonizzino, si leghino e mutuamente collaborino negli atti, ma conferisca, oltre a ciò, quelle altre cose grazie alle quali [gli abitanti] conseguano stabilità e permanenza nelle virtù e nei beni che ha radicato in loro fin dal primo momento. In sintesi, è necessario che [il governante virtuoso] imiti Dio e segua le tracce dell'ordinamento di colui che ha ordinato l'universo. Come questi ha elargito i suoi doni a tutte le specie di esseri esistenti e li ha ordinati secondo disposizioni, nature e qualità naturali che si producono e si radicano in essi cosicché in ognuna di siffatte specie che compongono il cosmo si perfezionino le buone qualità naturali in relazione al grado di ciascuna e, nel complesso, di tutti gli esseri esistenti; così deve fare anche [il governante] nelle città e nelle nazioni riguardo alle arti, alle qualità e agli abiti volontari, cosicché, in ciascuna di quelle città e

nazioni, si perfezionino i beni volontari in relazione al grado e al merito, onde, a causa di ciò, le comunità delle nazioni e delle città pervengano alla felicità in questa vita e nella vita dell'oltre.

38. *Obras filosofico-politicas*, 104–106; Butterworth, *Alfarabi*, 111–113.
39. Simon Mimouni in *Teologie politiche*, 25.

3

Alfarabi's Goal: Political Philosophy, Not Political Theology

Charles E. Butterworth

Introduction

The title of this chapter stands in sharp contrast to that by Massimo Campanini, "Alfarabi and the Foundation of Political Theology in Islam," in this same volume. That is purposeful, for our approaches to Alfarabi and pretty much the whole of medieval Arabic and Islamic philosophy are fundamentally opposed. In other words, we have radically different understandings of what constitutes philosophy and theology as well as of their political components. Having become aware of our differences, we agreed to use this forum to set forth our perspectives and to probe the reasons for our disagreement.

Because Campanini's position represents a challenge to an older view, it seemed appropriate that he set forth the contours of his argument first and that I respond with a critical analysis of his position and explanation of my own. Our differences reach to the very core of how philosophy, religion, and politics are to be understood. Still, the subject's importance and the awareness of its difficulties make it imperative that these differences be expressed in a civil manner that is free of rancor. Therefore, apart from a few references to Campanini's argument that are necessary to put his argument in perspective, I make no attempt here to present a detailed rebuttal to his article. My goal, rather, is to identify the problems with his perspective and then move to an account of Alfarabi's teaching that accords more closely with his methods and intention.

Our disagreement begins with the trust to be accorded to the interpretation of medieval Arabic and Islamic philosophy first set forth some seventy years ago by Leo Strauss and later pursued by Muhsin Mahdi as well as others. Recently, doubts have been raised about Strauss' and Mahdi's contentions that (a) medieval Arabic and Islamic philosophy, though explicitly focused on the relation between reason and revelation, is political; (b) writers within this tradition, especially Alfarabi, engaged in indirect or esoteric writing; and (c) Alfarabi stands forth as the founder of political philosophy within the tradition. One way to counter those principles—and this is the path followed by Massimo Campanini, among others—is to insist that Alfarabi sets forth not a political philosophy *per se*, but rather a theory of religion with political implications. Religion thus becomes the link between philosophy—thereby understood not as quest for truth, but as theoretical science pure and simple—and the practical science of politics.

Differently stated, the view opposed to Strauss and Mahdi (as well as to Alfarabi, I will argue) is that religion provides adequate knowledge of the way things are. Consequently, religion can be subordinate neither to philosophy nor to politics. Rather, religion—deemed equivalent to political theology—is said to set forth the correct interpretation of the human dilemma. It, not philosophy, explains how we ought to live.

Such a view is erroneous insofar as it unduly neglects the way Alfarabi criticizes theology and replaces it with a religion that is free of theology. Moreover, it assumes what Alfarabi leaves enigmatic, namely, that theoretical science is available to human beings. Finally, it wrongly posits political science as the means for attaining ultimate human happiness. Alfarabi embraces none of these positions. Rather, he follows in the footsteps of his two great predecessors—Plato and Aristotle—and strives to revive philosophy because it has fallen into desuetude in his day. The philosophy he revives is most emphatically political. Religion is merely a handmaiden to it, and theology is tolerated only as a necessary tool of communication.

On Political Theology and Alfarabi

For Massimo Campanini, Alfarabi is to be understood as the philosopher who comes closest to introducing political theology into the Islamic tradition. He accomplishes this by mingling religion, politics, and philosophy in his writings. Now Campanini is aware that political theology became a formal field of inquiry only with Carl Schmitt at the beginning of the last century. Indeed, he draws attention to that fact in the opening words of his article. But he nonetheless urges that its elements appear most clearly in the way Alfarabi depicts political life in the work known as the *Virtuous*

City or, more accurately, the *Principles of the Opinions of the Inhabitants of the Virtuous City*.

Political theology, as outlined by Campanini, looks into the way political structures or discussions of a best political regime reflect the theological concepts of a particular religion, but also into the way those very concepts need to be interpreted in order to mesh with the way power is defined and regulated in a given regime. Thus, political theology becomes, in Campanini's words, "a way to assert the will of God in the form of a political order." Consequently, he understands the whole of Islamic political thought—including under this rubric jurisprudence, theology, and polemics, as well as political philosophy and even the mirrors of princes literature—to be in the service of such an assertion. Campanini contends that, viewed in this light, political theology is helpful for determining how Alfarabi makes a given political order theologically legitimate as well as for explaining the way in which he argues that it is sanctioned and prescribed by the divine law of Islam.

In keeping with this explanation of political theology and of Alfarabi's goals in his political works, Campanini urges that the political teaching of the *Virtuous City* derives from theological metaphysics. Moreover, he views philosophy in that work as providing correct definitions of God, the universe, and human beings. This perspective also leads him to depict the *Book of Religion* as putting forth a "juridical and political interpretation of religion" and thus of fully implementing the vision of political theology that is only alluded to in the *Virtuous City*. Not philosophy, then, but theology and religion drive Alfarabi's political teaching.

Were such an understanding of Alfarabi and his political writings correct, Campanini would be able to enhance the status of religion. More importantly, it would permit him to refute Leo Strauss and Muhsin Mahdi as well as their followers. After all, it is they who insist that Alfarabi subordinated religion to philosophy. As Campanini puts it: for them, "religion is only a pale image of truth, while philosophy alone is able to deal with truth properly." Yet, try as he might to advance the alternative to their account, Campanini cannot escape the rigor of its logic. This may explain why in the next sentence, which is also the one that concludes his exposition, he acknowledges—apparently without noting how it invalidates his earlier exposition—that religion is merely a tool used by philosophy.

Such a conclusion is precisely the one embraced by Alfarabi. It provides a reasonable explanation of religion and its relation to politics as well as philosophy, in theory if not always in practice. To show why this makes more sense and corresponds more readily with Alfarabi's explanation of these phenomena, it is necessary to look at his various writings in as careful

and orderly a manner as possible. This I propose to do in what follows by setting forth a general exposition of Alfarabi's teaching.

On the Order of Alfarabi's Writings

First, it is futile and misleading to seek to establish a link between the time at which particular treatises by Alfarabi were composed and the development of his thought. Campanini correctly notes how impossible it is to determine the chronology of Alfarabi's writings, but fails to understand how irrelevant it is in this instance—as is usually the case with thinkers of more than ordinary merit. Even lesser thinkers have been known to re-read earlier writings and discover with pleasant surprise how clearly they had seized upon major questions at a younger age, notwithstanding some slight embarrassment at having forgotten their previous insights. To be sure, the added years bring richness to the experience by permitting them to consider the earlier formulation in the light of greater experience and broader reading. Still, neither of these appreciably alters the original formulation. Nor does any other consideration provide sufficient reason to think that what an author comes to understand at the end of a long career represents his or her final position—except in the most formal sense of the term.

More to the point, Alfarabi has unequivocally indicated that he does not consider the chronology of a thinker's writings when seeking to explain the goal the thinker strives to achieve or the paths he follows to it. In *Philosophy of Plato* and *Philosophy of Aristotle*, he identifies what each of these two masters was intent upon achieving and how they went about it. At no point does he raise the question of the time at which a particular writing was composed. He looks instead at the question raised in the treatise at issue and shows how it relates to, or follows from, one raised in a different writing as well as how it points to one that is pursued in yet another.

By according each of these two treatises an extensive title, Alfarabi alerts the reader to his novel procedure and—explicit remark to the contrary notwithstanding—subtly suggests that he thinks they differ both in what they have to say and in how they say it.[1] Thus, the title of *Philosophy of Plato* promises an account of "its parts" plus "the ranks of order of its parts, from the beginning to the end." That of *Philosophy of Aristotle* also promises to speak of "the parts of his philosophy," as well as of "the ranks of order of its parts," but then indicates that to do so "the position from which he started and the one he reached" will have to be considered.[2] It thereby suggests a kind of movement in Aristotle's philosophy, however indistinct or even incomplete that movement is, and contrasts sharply in that respect with the suggestion of completeness in the title to *Philosophy of Plato*.

Again, when Alfarabi introduces Aristotle and his activity at the very beginning of *Philosophy of Aristotle*, he remarks—as though having now forgotten his earlier claim about the two philosophers intending "to offer one and the same philosophy"—that "Aristotle sees the perfection of man as Plato sees it and more" and, consequently (or so it would seem), "saw fit to start from a position anterior to that from which Plato had started." Under Alfarabi's guidance, we also learn that each philosopher reached a different goal. His explanation of Plato's philosophy culminates in a praise of well-ordered political life as the means for helping most human beings achieve their perfection, whereas that of Aristotle's philosophy ends with the Stagirite about to delve into metaphysics in the hope that it will provide the knowledge most necessary for human beings.[3] Differently stated, Alfarabi's Aristotle neither fully accounts for human perfection nor turns to an account of political association as a means to achieve it.

Still, the salient point is that whatever emphasis Alfarabi places on the parts of the philosophies of Plato and Aristotle as well as on the order among those parts, he locates that order in the analyses each pursued, not the periods at which they were written. Equally important is that he considers them to have set forth true philosophy, as distinct from false and mutilated philosophy. In addition to giving an account of this true philosophy, they have also given "an account of the ways to it and of the way to re-establish it when it becomes confused or extinct."[4] As will become clear in what follows, Alfarabi is of the opinion that he must accomplish the same task for his time.

Alfarabi understands Plato to have started with the human things that constitute "the perfection of man as man." Now, as noted, even though Aristotle "sees the perfection of man as Plato sees it," he "saw fit to start from a position anterior to that from which Plato had started."[5] Aristotle begins not with the question of human perfection, but with what people consider to be "desirable and good"—the things they first pursue. What humans are primarily and naturally intent upon is not perfection, and certainly not perfection of the soul, but soundness of the body and senses. The explanation that serves as an introduction to *Philosophy of Aristotle*, then, provides anything but an image of him being in agreement with Plato. Whereas *Philosophy of Plato* begins with a bald declaration about Plato investigating human perfection, *Philosophy of Aristotle* opens with an account of why Aristotle starts by raising different questions and where that starting point places him in relation to Plato.

None of this derives from Aristotle's formal, didactic writings, but, rather, from what Alfarabi calls elsewhere Aristotle's "general" writings.[6] They are the ones in which he references generally accepted opinions so as to gain the reader's assent before moving on to more recondite matters.

Here, not until the implications of these opinions become evident does Alfarabi begin to indicate how subsequent investigations find their place in Aristotle's didactic writings. Following a few introductory words at the beginning, the discussion drifts away from an account of Aristotle's investigation to a description of what appears to anyone who looks into this question. No mention is made of Aristotle until, almost ten pages later,[7] a point is reached where it becomes relevant to speak of Aristotle's writings and what he sought to achieve in them.

The intervening discussion permits Alfarabi to explain that the soundness of the body and the senses noted above is truly first and thus natural for human beings. This is what they desire and pursue from the first, what they deem necessary because it is useful. The account is presented as much in his name as in Aristotle's by Alfarabi speaking in general terms and referencing Aristotle obliquely via third person singular verbs that can be read in the passive voice as easily as in the active with an undetermined subject. The things human beings naturally desire and pursue are four, two physical and two intellectual. They consist in goodness or soundness with respect to bodies and senses plus the awareness for discerning how to achieve the soundness of body and senses as well as for striving to do so.[8] Precisely because they are thought to contribute to human well-being, they are deemed both necessary and useful.

The analysis identifies another sort of desirable things, those related to intellectual apprehensions. Even though there is no immediate usefulness in knowing the reasons for what is sensed and observed, humans desire such knowledge. Indeed, they find it pleasant and joyous to learn about such things—to the point that the more they learn, the greater pleasure and joy they have. Those who have such knowledge come to be extolled by others or to think they should be, especially when it is more difficult to acquire such learning.[9]

It now becomes apparent that there are two different kinds of knowledge, useful or what is sought in order to bring about the soundness of the four things mentioned above and knowledge sought for its own sake. The first is called practical knowledge or science and the second theoretical—that is, knowledge looked at or into simply because it is pleasant to do so. Whether the division is one Aristotle hit upon or one that came about as human beings thought about such things is not clear. Nor, at least insofar as this account reflects what humans actually say and think, does it seem to matter.[10]

In addition, there come to light sense perceptions pursued simply for the sake of pleasure, even though they may at times be useful with respect to the soundness of the four things. Among these are touch, sight, hearing, and thinking. The delight with which people caress statues, gaze at

beautiful scenes, listen to music as well as to poetry and tales, and talk about the meaning of such things is ample evidence for this claim. Now that added pleasure leads them to ask about what they do and why they do it as well as about whether the senses are for the sake of the body, the body for the sake of the senses, or both for the sake of something else. Useful and reliable as practical knowledge is, it does not seem to be sufficient.[11]

Still, as humans think about the way they obtain practical and theoretical knowledge, they become aware of how to reason, and discern that knowledge comes about from formulating what they know as premises related to things they do not know or to problems before them in such a way as to result in a conclusion.[12] That does not solve the larger question of why such knowledge is important. But it now seems apparent that human beings differ from other animals in that they have the awareness of an end or a desire to strive for perfection. Clearly, not everything they do is for the sake of improving their senses. Nor is it for the soundness of the body alone. The soundness of both seems preparatory for yet another end.

That raises another question, one addressed by setting aside the inquiry into what is pleasant to focus on what is good for human beings. Qualities peculiar to them must be considered, as must their place in the world. Thus, awareness of the whole and of what occurs by itself or naturally as contrasted to what human beings bring about by will or choice is needed. Because the natural is prior to the volitional, inquiry must begin with it. In addition, it now becomes imperative for the investigation to provide certainty. At this point, Alfarabi abandons his abstract tone and acknowledges Aristotle as the one who discovered the rules both for reaching certainty and for distinguishing it from the other apprehensions that can be reached.[13] The steps for what leads to asking about human perfection having therefore been set forth, Alfarabi sets about explaining how Aristotle pursued that topic in his various writings, much as he did in his account of Plato's inquiries and the writings that speak of them. He does this by showing how one investigation leads to another, not by focusing on when one treatise or another was written.[14]

Alfarabi's Understanding of Politics and Religion

The foregoing shows clearly that Alfarabi's teaching can be seized only by focusing on the larger argument in his writings and noting carefully the steps of the exposition. That no less a thinker than Maimonides described his ideas as "finer than finely sifted flour" suggests how dangerous and misleading it is to cite passages at random or in a truncated manner. For exegesis to be sound and reliable, Alfarabi's writings must be considered as a whole and attention focused on how they elucidate a particular

argument. That is best accomplished by citing entire passages, however tedious it seems at first.

Here, three themes that recur throughout Alfarabi's writings will be explored. Sometimes they are expressed identically from one writing to another or with barely discernible changes. One such theme centers on the importance of philosophy, its fragility, and the need to reestablish it from time to time:

> The opinions of the multitude may differ at times, not only with respect to practical but also with respect to theoretical things. That is, when their governor is of the opinion that at a certain period of time it is in their best interest for him to entrust them with one sort of sciences and opinions, and from the traditions and patterns he adopts for them a certain sort of opinions about theoretical matters follows, then that sort of opinions will be what is well-known among them. Similarly, when what is entrusted to them is a sort of matters and opinions such as to be imagined in a certain manner, their minds become accustomed to that manner of imagining and the concept they have of all things comes to be according to that manner of imagining.
>
> When it is difficult for the one who hears them to imagine the certain principles in an art thoroughly, or it is difficult for him to separate them from the rest of what is well-known to him, or he needs a long time to understand them—and among the principles accepted by, or well-known to, him is to be found what brings about assent or concept—those principles are taken in teaching him until his mind becomes powerful enough to separate [out] the certain principles. Therefore, in this time and for the people of these countries and the people of this language, it is difficult to understand much of what Aristotle took in many of his books for teaching the matters intended in those books . . .
>
> Similarly, many of his examples are matters that were either well-known to the people of his time or accepted by one group. After them, those [matters] changed; and ones other than those have become well-known in their countries and in our countries in this time of ours. Not only have they come to be not recognized, but also disapproved of or [considered] strange. And what is intended to be taught by them is not understood. This includes natural, mathematical, and moral examples that were familiar to the multitude in that time [and] to the people of those countries, but that when used in this time of ours are unknown to the multitude.
>
> Similarly, it is evident that in this time of ours it has become strange to investigate many of the things that were sought after and investigated in that time. An example is our saying "Is pleasure good or not?" and what is like that.
>
> Therefore, one who is intent upon teaching those things from Aristotle's books to a human being or to a group ignorant of the matters Aristotle used must use instead other things of which they are more cognizant. In teaching

> these [people], he will discard those [matters] Aristotle used. For in what he established, he was not intent upon teaching those [matters] that he used nor upon teaching the matters he took as examples. Instead, in teaching the things that he took as well-known to them, he was intent only upon making them understood or bringing about assent to them. And it did not go beyond him that many of them would change with the change of regimes.[15]

The importance of philosophy and the attempt to resuscitate it by going back to its origins with Plato and Aristotle derive from the desire, if not the need, to acquire certainty about fundamental human problems and the impossibility of doing so insofar as the knowledge required to resolve them is not now available—if it ever was. Throughout the *Attainment of Happiness*, Alfarabi notes how the inquiry into human perfection beginning from premises rooted in practice comes up short, then turns to one based on premises derived from the theoretical sciences only to reach a similar impasse. The goal is to seize upon the human things by which true happiness or perfection is attained. Because they seem to consist of theoretical virtues, deliberative or calculative virtues, moral virtues, and practical arts, the treatise as a whole inquires into what they are (secs. 2–21 and 22–37), how to bring them about (secs. 38–49), and the consequent need for philosophy (secs. 50–64). Throughout this exposition, as well as in *Philosophy of Plato*, *Philosophy of Aristotle*, and other writings such as the *Selected Aphorisms*, Alfarabi intimates that Plato and Aristotle solved these problems yet nowhere offers an account of their discoveries.[16]

Absence of such wisdom and of a clear way to it—the second major theme in Alfarabi's writings—makes recourse to philosophy requisite.[17] In the first part of *Attainment* (secs. 1–21), Alfarabi explains how the theoretical virtues provide knowledge of the way things are and of the order among them. He also adumbrates human perfection and notes the need for political order so that it might be achieved. But he does not explain how such order may be brought about. The point seems to be that to attain human happiness, it is necessary to do more than acquire theoretical knowledge of the principles in question. In addition, they must be used. Moreover, one human being cannot obtain all that is needed on his own. Human beings need to live together and cooperate with one another so that these perfections may be achieved. The basic parallel drawn throughout the exposition is between parts of the city or nation and parts of the world—above all, their order. That order is hierarchical, for the most important thing to come to light in the metaphysical or divine inquiry—sketchy though it is—is the importance of hierarchy. The central point is that a proper investigation of human science presupposes the acquisition of metaphysical knowledge. As has been seen, none of Alfarabi's writings leads

to that kind of knowledge—not the *Political Regime*, the *Virtuous City*, nor any other writing. He focuses therefore on philosophy as the only way to approach such knowledge.

When Alfarabi first introduces philosophy in *Attainment*, he depicts it in glowing terms and thereby makes it out to be a most cherished acquisition. Philosophy, he says,

> is the superior science and the one most perfect in rulership. The rest of the ruling sciences are under the rule of this science. By the other ruling sciences, I mean the second and the third, and the one derived from these two. For these sciences merely imitate that science and are used to perfect the purpose of that science, which is ultimate happiness and the final perfection to be achieved by a human being.[18]

Immediately thereafter, he details the way philosophy came to the Arabs and traces its exalted rank among the sciences to what the Greeks said of it. Alfarabi's wording suggests that such esteem is merely ascribed. Its status seems rooted in older opinions, foreign ones at that, and thus of little more than antiquarian interest:

> This science is said to have existed anciently among the Chaldeans, who are the inhabitants of Iraq; then it reached the inhabitants of Egypt; and then it was transmitted to the Greeks where it lasted until it was transmitted to the Syrians and then to the Arabs. Everything comprised by this science was expounded in the Greek language, then in the Syriac language, and then in the Arabic language. The Greeks who possessed this science used to call it "unqualified wisdom" and "highest wisdom." They called the acquisition of it "science" and the scientific state of mind "philosophy," by which they meant the quest for the highest wisdom and love of it. They called the one who acquires it "philosopher," by which they meant the one who loves and is in quest of the highest wisdom. They were of the opinion that potentially it subsumes all the virtues. They called it "science of sciences," "mother of sciences," "wisdom of wisdoms," and "art of arts," by which they meant the art that makes use of all the arts, the virtue that makes use of all the virtues, and the wisdom that makes use of all the wisdoms.[19]

But Alfarabi cannot leave matters there, because philosophy is of the greatest importance for him. Only by it can human beings achieve the happiness announced at the very beginning of this treatise. He therefore breaks into this historical narrative to explain in his own voice why the Greeks praised philosophy with such grandiloquence and why it deserves to be called "unqualified wisdom":

> That is because "wisdom" may be said with respect to consummate and extreme competence in any art whatsoever when it leads to performing actions of which most practitioners of that art are incapable. Now "wisdom" may be said in a restricted sense so that the one who is extremely competent in an art is said to be "wise" in that art. Similarly, the one who has penetrating practical judgment and acumen may be called "wise" with respect to that thing about which he has penetrating practical judgment. However, "unqualified wisdom" is this science and state of mind.[20]

Philosophy, then, is the science that perceives things as they are and with certainty. All other sciences arrive only at persuasive or imaginative apprehensions of things. Thus, whereas the philosopher communicates to others by means of reasoning that is certain or demonstrative, the other sciences—in this context, deliberative or calculative virtue, moral virtue, and the practical arts—are limited to reasoning that is generally received, rhetorical, or poetical.[21] This is the foundation upon which Alfarabi grounds the preeminence of the first ruler—the one who is also a king, law-giver, imam, and philosopher. Only one whose knowledge or science is based on certain demonstrations is qualified to rule. All others—those whose understanding is based not on certain knowledge but on opinions—must serve.

Such reasoning leads immediately to the third major theme in Alfarabi's writings, the subordination of religion—religion, not revelation—to philosophy with respect to theoretical and practical matters. Jurisprudence and dialectical theology or *kalam* serve religion and are thus at an even further remove from philosophy. Politics, as noted, is guided by philosophy, not by any other science—if it is even possible to describe religion, not to mention theology, as a science. Such is Alfarabi's direct teaching, one rendering it impossible to ascribe to him any notion of political theology.

The way he distinguishes philosophy from religion in the *Attainment of Happiness* makes this subordination perfectly evident:

> Now when one acquires knowledge of the beings or receives instruction in them, if he perceives their ideas themselves with his intellect, and his assent to them is by means of certain demonstrations, then the science that comprises this knowledge is philosophy. But if they are known by imagining them through similitudes that imitate them, and assent to what is imagined of them is caused by persuasive methods, then the ancients call what comprises these cognitions religion. And if those intelligibles themselves are adopted, and persuasive methods are used, then the religion comprising them is called popular, generally accepted, and external philosophy. Therefore, according to the ancients, religion is an imitation of philosophy.[22]

Either as a means of softening the juxtaposition or in order to remove any doubt about the hierarchy it establishes, Alfarabi goes on to explain precisely how religion imitates philosophy:

> Both comprise the same subjects and both provide an account of the ultimate principles of the beings. For both provide knowledge about the first principle and first cause of the beings, and they provide the ultimate end for the sake of which the human being comes into being—that is, ultimate happiness—and the ultimate end of every one of the other beings. In everything of which philosophy provides an account based on intellectual perception or concept, religion provides an account based on imagination. In everything demonstrated by philosophy, religion employs persuasion.[23]

The detailed explanation that follows of how religion imitates philosophy[24] accounts for Alfarabi's presentation of religion in the *Book of Religion*. It also reverberates in his opening definition there that it consists of "opinions and actions" and a subsequent lengthy enumeration of those opinions and actions.[25]

The multiple ways in which religion is similar to philosophy are acknowledged by Alfarabi in the *Book of Religion*. So, too, are the manners in which it is practically and theoretically subordinate to philosophy. That hierarchical relationship is grounded upon the principle of philosophy alone being able to seize things as they are by means of demonstrative proofs that are certain, of it alone reaching to the universals behind theoretical and practical matters. Religion, not able either to seize things as they are or ascend to the universals, is limited to opinions for what it apprehends. One consequence of religion being so subject to philosophy in this account is that, a passing reference to how dialectic and rhetoric may be used to support religious opinions apart, nothing is said of theology.[26] Greater attention is accorded to jurisprudence in order to explain how and why subsequent rulers may introduce actions not considered by the first ruler or amend others that have become obsolete. Alfarabi limits the jurist to actions at first, then almost reluctantly acknowledges that jurisprudence must also extend to opinions.[27]

An oblique reference to religion occurs in the *Philosophy of Plato* when Alfarabi says that Plato inquired into something resembling theology and jurisprudence.[28] Whether anything was learned from it is passed over in silence. At no point in *Philosophy of Aristotle* does the subject of religion, theology, or jurisprudence arise. Still, Aristotle's inquiries do lead him to the dialectical and rhetorical arts that religion uses, and his investigations of physical phenomena as well as of the soul—especially the human soul—bring him close to topics central to religion.[29] The difference is that these inquiries are guided by the principles of philosophy, that is, of reason.

The account of jurisprudence and theology that closes the *Enumeration of the Sciences* constitutes Alfarabi's acknowledgment that these sciences or arts—he vacillates between the two terms—have replaced political science and political philosophy as set forth by the ancients. They have done so insofar as they provide the people with new opinions. Yet the account also makes clear how intent are practitioners of theology without philosophical guidance on forcing such opinions upon the people. Indeed, the presentation of theology there is so harsh as to make readers regret the demise of the old political science or philosophy. To resuscitate it, the *Book of Religion* introduces a political science that is a part of philosophy and indicates how it provides a fuller account of the opinions and actions necessary for sound political life. As has already been shown, it explains why sound religion takes direction from philosophy. Alfarabi speaks even more directly about this relationship in the *Book of Letters*:

> Since religion teaches theoretical things by means of evoking images and persuasion, and those who depend on it are not cognizant of any method of teaching other than these two, it appears that the art of theology depending on religion takes note only of persuasive things and thus validates anything theoretical only by means of persuasive methods and arguments—especially when the intention is to validate images of what is true as though they were themselves true. Persuasion comes about only through premises that are generally approved and generally accepted according to unexamined opinion, through enthymemes and examples, and on the whole through rhetorical methods—regardless of whether these are arguments or external matters.
>
> The theologian is therefore limited to validating theoretical things according to what is common with respect to unexamined opinion. So he has this in common with the multitude. However, he sometimes scrutinizes unexamined opinion as well; yet he scrutinizes unexamined opinion only by means of some other thing that is unexamined opinion as well. At most, his scrutiny of that opinion succeeds in making it as reliable as one that is dialectical. So in this respect, he sets himself apart somewhat from the multitude. Moreover, he sets down as his goal in life what can be acquired through it [the art of theology]. So in this, too, he sets himself apart from the multitude.
>
> Moreover, since he is a servant of religion, and the status of religion with respect to philosophy is that status, the relationship of theology to philosophy also becomes, in a certain way, that of a servant, likewise through the intermediary of religion. For, in order to attain to a teaching common to all, it defends and seeks to validate, by means of what is generally accepted by all according to unexamined opinion, what was originally validated in philosophy by demonstrations. So in this, too, he sets himself apart from the multitude.
>
> For this reason, it is presumed that he is one of the elect, not one of the multitude. It ought to be known that he is also one of the elect, but only in

> relation to the adepts of that religion, whereas the philosopher's being [one of the] elect is in relation to all people and to [all] nations.[30]

Once it is recognized that the *Book of Letters*, like *Attainment*, is dedicated to the task of resuscitating philosophy and thus seeks to correct the imbalance brought about by the advent of revealed religion, the sharpness of tone here becomes understandable. In writings such as *Political Regime*, where Alfarabi seeks to show how a regime founded on the principles set forth in the *Book of Religion* would function, he adopts a gentler tone. Because most people are unable to fathom the principles of the beings and the way they are ordered, to discern what happiness is, and to determine what kind of rule would be virtuous, they must have recourse to an image of such things or to some likeness of them. Given the differences among human beings, it is only natural that there will be different images. What one needs to consider is the soundness of the images and not be put off by their diversity. The distinction between religion and philosophy remains the same, but it now becomes important to understand that the different images used by one religion or another may be accurate:

> While their meanings and essences are one and immutable, the things by which they are represented are many and different. Some are closer to what is represented and others more distant. That is just as it is with visible things. For the image of a human being seen in water is closer to the human being in truth than the image of the statue of a human being seen in water. Therefore it is possible to represent these things to one sect and one nation by matters other than those by which they are represented to another sect or another nation.
>
> Thus it may be possible for the religions of virtuous nations and virtuous cities to differ even if they all pursue the very same happiness. For religion is a sketch of these [things] or of their images in the soul. Since it is difficult for the public to understand these things in themselves and the way they exist, instructing them about these things is sought by other ways—and those are the ways of representation. So these things are represented to each sect or nation by things of which they are more cognizant. And it may be possible that what one of them is more cognizant of is not what another is more cognizant of.
>
> Most people who pursue happiness pursue what is imagined, not what they form a concept of. Similarly, the principles such as to be accepted, imitated, extolled, and exalted are accepted by most people as they imagine them, not as they form a concept of them. Those who pursue happiness as they form a concept of it and accept the principles as they form a concept of them are the wise, whereas those in whose souls these things are found as they are imagined and who accept them and pursue them as though they are like that are the faithful.[31]

Whatever the tone and circumstances, Alfarabi's teaching about the subordination of religion and its parts to philosophy is clear and consistent. Moreover, even though he is willing to accord jurisprudence a limited role in a regime ruled by virtuous religion, that accorded theology is greatly restricted. Nothing in any of his writings suggests that he aims to set forth a political theology.

Conclusion

Massimo Campanini's claim to the contrary notwithstanding, it makes no more sense to speak of Alfarabi as a precursor of Averroes than to use such speech to describe any two thinkers separated by great periods of time and distance. One could argue more reasonably that Averroes discerned the reasoning behind Alfarabi's subordination of religion to philosophy—namely, the presupposition that truth is one—and thus made it explicit.[32] That is the only way the subordination makes any sense. Were there two truths—divine versus human or ineffable versus rational—no rational order could exist. Everything would depend on divine will, as some of the dialectical theologians sought to maintain.

To say that philosophy and religion express the same truth, albeit in different ways, does not mean that each arrives at the truth by equally legitimate paths. Such a contention would mean that truth is twofold. Rather, the point is that the figurative speech used in religion is to be judged and interpreted according to the rules for rational speech. This and this alone is the reasoning that guides Alfarabi in his writings and that Averroes sets forth so clearly in his *Decisive Treatise*.

Precisely this understanding permits Alfarabi to affirm so confidently "let it be clear that the idea of the philosopher, first ruler, king, law-giver, and imam is but a single idea" and then to add with equal confidence:

> No matter which of these utterances you take, if you look at what each of them signifies among the majority of those who speak our language, you will find that they all finally agree by signifying one and the same idea.[33]

What links them is certain, demonstrative knowledge of the way things are. Knowledge about the universe and the place human beings occupy in it, knowledge about how things come into being and what they are for, knowledge of ends as well as of beginnings provides each of these individuals what he needs to accomplish his particular task. It should be noted, all the same, that the Arabic term translated here as law-giver is *wadi' al-nawamis*, not *wadi' al-shari'a*. The laws this philosopher, first ruler, king, and imam sets down, in other words, are conventional or human ones,

not revealed or divine ones. To the extent that philosophy and religion express the same truth, the vocabulary of religion—including references to supranatural phenomena such as miracles—must give way to, or be subsumed by, a more technical one.

There are other implications. In allowing the title to rule to reside in comprehensive knowledge or wisdom, Alfarabi erects no safeguards for the rights of the citizens. Nor does he insist on the rule of law. It seems that the wise law-giver will foresee what needs to be done. Moreover, because the ruler's knowledge entails deliberative as well as moral virtue, there is no need to worry about him becoming unjust.

Alfarabi offers no precise details about this knowledge, nor does he claim to possess it himself. He does, however, provide a good general account of what it entails and shows what sorts of inquiries must be pursued in order to attain it. Moreover, he describes in detail how the two great philosophers, Plato and Aristotle, looked into this knowledge and uncovered the questions to which it gives rise. Although Alfarabi does not explicitly say as much, it appears that the philosophy of Plato raises too many questions and resolves too few problems to serve as a final account of the knowledge in question. And while the philosophy of Aristotle seems to be inadequate in the end, it does provide the general account of the universe and its principles that comes closest to that expressed by Alfarabi in his own name. Even though he does not resolve these larger questions once and for all or remove perplexity about them, he makes patent the importance of replacing opinions by knowledge and of keeping religion subordinate to philosophy. Alfarabi, in the end as in the beginning, is a philosopher and not a theologian. As has now become clear, his goal is to introduce his readers to political philosophy rather than to political theology. This is what Leo Strauss, Muhsin Mahdi, and those who follow in their footsteps understand Alfarabi to be saying.

Notes

1. At the very end of the *Attainment of Happiness*, as an introduction of sorts to both *Philosophy of Plato* and *Philosophy of Aristotle*, Alfarabi asserts that "in what they presented, their purpose is the same, and that they intended to offer one and the same philosophy." The English cited here is based on the text in *Alfarabi, Philosophy of Plato and Aristotle*, trans. Muhsin Mahdi (revised edition; Ithaca, NY, 2001), sec. 64. The Arabic text may be found in *Kitab tahsil al-sa'ada* (Hyderabad, 1926). Corrections to the Arabic text are noted in Mahdi's English translation.
2. The English cited here is from *Alfarabi, Philosophy of Plato and Aristotle*. In the margins of his translation, Mahdi indicates the pages and lines of the Arabic

text of *Philosophy of Plato* edited by Franz Rosenthal and Richard Walzer—*Alfarabius de Platonis Philosophia* (Plato Arabus, vol. II; London, 1943)—and provides some corrections in his notes as well as a better division of the text into sections. He also indicates page and line references to his edition of the Arabic text of *Philosophy of Aristotle* in the margins of his translation and follows the division of the text into sections; see *Al-Farabi, Falsafat Aristutalis wa-ajza' falsafatih wa-maratib ajza'iha wa al-mawda' alladhi minhu ibtada' wa ilayhi intaha* (Beirut, 1961).

3. See *Plato*, secs. 35, 21: 3–11; and *Aristotle*, secs. 99, 131: 22 to 132: 3.
4. See *Attainment of Happiness*, secs. 63, 47: 4–5.
5. *Plato*, secs. 1, 3: 1; and *Aristotle*, secs. 1, 59: 5, 7.
6. See *Risala fi ma yanbaghi an yuqaddam qabl taʿallum al-falsafa* (Epistle on What Ought to Precede the Study of Philosophy) in *Alfārābī's Philosophische Abhandlungen*, ed. Friedrich Dieterici (Leiden, 1890), 50: 16 to 52:15, esp. 50: 15–22 and *Aristotle*, English translation, sec. 1, n. 2.
7. Alfarabi's silence here about Aristotle thus constitutes about one-seventh of the treatise. Moreover, no other discussion is accorded as much space as the one pursued during this prolonged silence.
8. See *Aristotle*, secs. 1–3, 59: 8 to 70: 14, 70: 15 to 71: 4.
9. *Aristotle*, secs. 2, 60: 1–10, 11–16.
10. *Aristotle*, secs. 2, 60: 17 to 61: 2.
11. *Aristotle*, secs. 3, 62: 4–23.
12. *Aristotle*, secs. 3, 63: 1–10, 63: 11 to 65: 3.
13. *Aristotle*, secs. 3, 65: 4–19, 65: 20 to 70: 4, 70: 5 to 71: 4.
14. A similar account of how Aristotle is led to and organizes his various investigations is to be found in the *Book of Letters*, while *Selected Aphorisms* and *Harmonization of the Two Opinions of the Two Sages: Plato the Divine and Aristotle* advance additional claims for the two pursuing one and the same path in their inquiries. Putative times of composition are at issue in none of these writings.
15. This passage occurs in Alfarabi's *Book of Demonstration* or commentary on Aristotle's *Posterior Analytics*; see Alfarabi, *Kitab al-Burhan*, in *al-Mantiq 'inda al-Farabi*, ed. Majid Fakhri (Beirut, 1987), 85: 11 to 86: 22. He speaks in a similar manner in the *Small Book on the Syllogism according to the Procedure of the Dialectical Theologians*; see Alfarabi, *Kitab al-qiyas al-saghir 'ala tariqat al-mutakallimin*, in *al-Mantiq 'inda al-Farabi*, vol. 2, ed. Rafiq al-'Ajm (Beirut, 1986), 68: 13 to 70: 5. The title *Small Book on the Syllogism* might also be understood as *Small Book on the Prior Analytics*, that is, on Aristotle's *Prior Analytics*.

> First, it will be explained how the syllogism and the inference [function], by what thing matters that are ignored but cognizance of which is sought are inferred, how many sorts of syllogism there are, how each is composed, and of what each is composed; and we will set down as the rules we establish here the very things that Aristotle advised in the art of logic. And it will be seen to, moreover, that they are expressed by utterances

well-known to the people of the Arabic language. In elucidating those rules, examples well-known to the people of our time will be used. For when Aristotle established those things in his books, he set down their expression in utterances customary to the people of his language and used expressions well-known to, and in circulation among, the people of his time.

Since the custom of the people of this language with respect to expression is other than the custom of those countries and the examples well-known to the people of this time are other than the examples well-known to those [other people], the things Aristotle was intent upon explaining by those examples were not evident to, or understood by, the people of our time. Thus many people of this time supposed that there was no value to the books of Aristotle, and they were discarded. When we became intent upon elucidating those rules, we used examples in circulation among the theoreticians of the people of our time to explain them.

For to follow Aristotle in commenting upon the rules he wrote about is not to use his expression and his very examples to the point that our following him would be according to the appearance of what he did. Indeed, that would be the action of a numbskull. Rather, to follow him is to walk in his traces in accordance with what he intended by that act. What he intended by those examples and utterances was not to limit the student to cognizance of them alone without arriving at an understanding of what is in his book by means of those examples and utterances or to limit the student to cognizance of them alone, by themselves to the exclusion of others. Instead, what he intended was to make people cognizant of those things by means of matters of which they happened to be more cognizant.

Nor is to follow him for us to set down their expression for the people of our language in the utterances of the Greeks, even though he expressed them in Greek when he composed them. Rather, to follow him is to elucidate what is in his books to the people of each language according to the utterances in circulation among them. Similarly, to follow him in his examples is not to be limited to the ones he cited alone, but to follow his path therein by putting the rules that are in his books for the people of every art, the people of every science, and the theoreticians of every time into the examples in circulation among them.

Therefore, we are of the opinion that we will discard those examples he cited that the custom of the theoreticians of the people of our time has not tested and to employ the ones well-known to them. In this book of ours, we will unqualifiedly limit ourselves to what is necessary with respect to the syllogism. We will abbreviate the statement of it and simplify it to the extent we are able to. Let this be a principle for that.

16. In addition to the sections from *Attainment of Happiness* noted here, see Alfarabi, *Selected Aphorisms*, aphorism 94, in *Alfarabi, The Political Writings: "Selected Aphorisms" and Other Texts*, trans. Charles E. Butterworth (Ithaca,

NY: Cornell University Press, 2001). The Arabic text has been edited by Fauzi M. Najjar, *Abu Nasr al-Farabi, fusul muntazaᶜa* (Beirut, 1971).

17. See *Aristotle*, secs. 99, 132: 4 to 133: 3, with slight changes to Mahdi's translation:

> It has become evident from what has preceded that investigating and looking into the intelligibles that cannot be utilized for the soundness of bodies and the soundness of the senses is necessary and that seizing upon the causes of the visible things that the soul longs for is more human than that cognizance that was set down as necessary.
>
> It has become evident that that necessary [cognizance] is for the sake of this [human cognizance] and that the one we previously supposed to be superfluous is not, but is the one necessary for a human being to become substantial or to arrive at his final perfection. And it has become evident that the science he [Aristotle] investigated at the outset out of love and searched for so as to seize upon the truth about the pursuits mentioned above has turned out to be necessary for attaining the political activity for the sake of which the human being is generated. The science subsequent to it is investigated only for two purposes: one, to make perfect the human activity for the sake of which the human being is generated, and the other to make perfect what we are missing in natural science, for we do not have metaphysical science.
>
> Therefore philosophy must necessarily be brought into existence in every human being in the way possible for him.

18. See *Attainment*, secs. 52, 38: 9–13. Here and in the citations that follow, I have changed Mahdi's translation slightly. The second and third sciences pertain to the deliberative or calculative virtues and the moral virtues, respectively, while the science leading to the practical arts is the one "derived from these two."
19. Ibid., secs. 53, 38: 14 to 39: 4.
20. Ibid., secs. 53, 39: 4–9.
21. Ibid., secs. 50–51, 36: 14 to 38: 9; also secs. 46, 35: 2–8; and secs. 40, 29: 18 to 31: 2.
22. Ibid., secs. 55, 40: 7–13.
23. Ibid., sec. 40: 13–19.
24. Ibid., secs. 40: 19 to 41: 12:

> For philosophy provides an account of the essence of the first principle and the essences of the incorporeal second principles, that is, the ultimate principles as they are perceived by the intellect. Religion sets forth images of them by means of similitudes of them taken from corporeal principles and imitates them by their likenesses among political offices. It imitates divine actions by means of the activities of political offices. It imitates the actions of natural faculties and principles by their likenesses among the voluntary faculties, states, and arts just as Plato does in the *Timaeus*. It imitates the intelligibles by their likenesses among sense perceptible things: for instance, some imitate matter by the abyss or darkness or water, and nothingness by

> darkness. It imitates the sorts of ultimate happiness—namely, the ends of the actions of the human virtues—by their likenesses among the goods that are presumed to be the ends. It imitates the kinds of happiness that are in truth happiness by those presumed to be happiness. It imitates the ranks of the beings by their likenesses among spatial and temporal ranks. And it attempts to bring the imitations of these things close to their essences. For everything of which philosophy provides an account that is demonstrative and certain, religion provides an account based on persuasive arguments. And philosophy is prior to religion in time.

25. See *Book of Religion* in *The Political Writings: "Selected Aphorisms*," secs. 1–3. The Arabic text has been edited by Muhsin Mahdi, *Abu Nasr al-Farabi, Kitab al-milla wa nusus ukhra* (Beirut, 1968). The full opening definition of religion shows how intent Alfarabi is on presenting it as a key instrument of political rule: "Religion is opinions and actions, determined and restricted with stipulations and prescribed for a community by their first ruler who seeks to obtain through their practicing it a specific purpose with respect to them or by means of them."

    Campanini, noting my use of "opinions" to translate the term *ara'* (sing. *ra'y*) here, evinces a preference to translate it as "ideas" (see his n. 31). He offers no reasons for the change, but at least two considerations tell against it. First, the early translators of Greek into Arabic consistently use the term *ra'y* to render the Greek *doxa*. Second, to translate the full title of the *Virtuous City* as *Principles of the Ideas of the Inhabitants of the Virtuous City* (*Mabadi' ara' ahl al-madina al-fadila*) is to miss the political implication. Citizens argue about opinions and attempt to persuade others to hold one opinion rather than another. They do not reason in such a manner about ideas, but merely accept that others have similar or differing ideas.

26. See sec. 6:

> Dialectic yields strong presumption about all or most of what demonstrative proofs yield certainty about, and rhetoric persuades about most of what is not such as to be proven by demonstration or looked into by dialectic. Moreover, virtuous religion is not only for philosophers or only for someone of such a station as to understand what is spoken about only in a philosophic manner. Rather, most people who are taught the opinions of religion and instructed in them and brought to accept its actions are not of such a station—and that is either due to nature or because they are occupied with other things. Yet they are not people who fail to understand generally accepted or persuasive things. For that reason, both dialectic and rhetoric are of major value for verifying the opinions of religion for the citizens and for defending, supporting, and establishing those opinions in their souls, as well as for defending those opinions when someone appears who desires to deceive the followers of the religion by means of argument, lead them into error, and contend against the religion.

27. Ibid., secs. 7–10. At the beginning of sec. 10, Alfarabi acknowledges the role of the jurist with respect to opinions: "Since a determination takes place with respect to two things—opinions and actions—the art of jurisprudence must have two parts: a part concerning opinions and a part concerning actions." Then at the end of sec. 10, he adds:

> The jurist concerned with the opinions determined in religion ought already to know what the jurist concerned with practices knows.
>
> Jurisprudence about the practical matters of religion therefore comprises only things that are particulars of the universals encompassed by political science; it is, therefore, a part of political science and subordinate to practical philosophy. And jurisprudence about the [theoretical or] scientific matters of religion comprises either particulars of the universals encompassed by theoretical philosophy or those that are likenesses of things subordinate to theoretical philosophy; it is, therefore, a part of theoretical philosophy and subordinate to it, whereas theoretical science is the source.

The Arabic text for these two passages is at 50: 16–17 and 52: 3–9.

28. See *Plato*, secs. 7, 6: 3–17.
29. See *Aristotle*, secs. 15–16 plus 34–36, 37–43, 48–60, 74–88, 90–98, and 99.
30. See *Book of Letters*, trans. Muhsin Mahdi and Charles E. Butterworth in *Alfarabi, The Political Writings: "Political Regime" and Other Texts* (Ithaca, NY, forthcoming), sec. 111. For the Arabic text, see *Abu Nasr al-Farabi, Kitab al-huruf*, ed. Muhsin Mahdi (Beirut, 1969). In the next section (112), Alfarabi compares the jurist to the prudent man:

> The jurist is similar to the prudent man; they differ only in the principles they employ to infer the correct opinion with respect to particular practical things. That is because the jurist employs as principles only premises adopted and generally received from the founder of the religion with respect to particular practical things, whereas the prudent man employs as principles premises that are generally accepted by all and premises he has attained through experience. Thus, the jurist becomes one of the elect in relation to a delimited religion, while the prudent man becomes one of the elect in relation to all.

31. See *Political Regime*, trans. Charles E. Butterworth, in *The Political Writings: "Political Regime" and Other Texts*, sec. 90. For the Arabic text, see *Abu Nasr al-Farabi, Kitab al-siyasa al-madaniyya, al-mulaqqab bi-mabadi' al-mawjudat*, ed. Fauzi M. Najjar (Beirut, 1964), 85: 14 to 86: 10.
32. See *Averroës, The Book of the Decisive Treatise: Determining the Connection between the Law and Wisdom, and Epistle Dedicatory*, trans. Charles E. Butterworth (Provo, UT, 2001), sec. 12:

> Since this Law is true and calls to the reflection leading to cognizance of the truth, we the Muslim community know firmly that demonstrative reflection does not lead to differing with what is set down in the Law. For truth does not oppose truth; rather, it agrees with and bears witness to it.

33. *Attainment*, sec. 58, 43:18–44:2. The unidentified person spoken to here is addressed in the second person singular, that is, the familiar tone of address.

4

Prophecy, Imamate, and Political Rule among the Ikhwan al-Safa'

Carmela Baffioni

To the best of my knowledge, the political ideas of the Ikhwan al-Safa' (the Pure Brethren) have not been extensively discussed in scholarly literature, except when they have been considered as a political movement.[1] The reason for this neglect could be that the "Pure Brethren" are contrasted with "philosophers," who were understood to have taken an alien position with regard to the political expectations of the society they lived in, thanks to their evaluation of Plato's *Republic*.[2] This chapter continues the discussion of a topic I have addressed several times in recent years, aiming to demonstrate that the Ikhwan al-Safa' do not fail to approach policy from a theoretical standpoint and that the philosophical doctrines developed in their "encyclopedia of sciences" titled *al-Rasa'il* (Epistles) can be understood to be a functional element of their political vision.

The first significant passage for our inquiry is the description of *'ilm al-siyasa* in Epistle 7. *'Ilm al-siyasa* is here introduced as the fourth kind of divine *(ilahiyya)* sciences in which five kinds of administrative policies are distinguished: (a) *al-siyasa al-nabawiyya* (prophetic policy); (b) *al-siyasa al-mulukiyya* (regal policy); (c) *al-siyasa al-'ammiyya* (general policy); (d) *al-siyasa al-khassiyya* (particular policy); and (e) *al-siyasa al-dhatiyya* (personal policy) (I, 273, 6–8).[3] I will now be discussing the first three kinds of policies since they are directly relevant to this discussion.

Prophetic, Regal, and General Policies

Prophetic policy is described as follows:

> [1.] Prophetic policy is the knowledge of how to establish satisfying Laws *(al-nawamis al-murdiyya)* and pure Traditions *(al-sunan al-zakiyya)* through eloquent speeches *(bi 'l-aqawil al-fasiha)*, and how to cure sick souls from corrupting religions, foolish opinions, evil habits and unjust deeds; and the knowledge of how to move them from those religions and habits, [. . .] by speaking of divine secrets *(ghuyubiha)* [. . .], and how to rule bad souls [. . .]; and the knowledge of how to awake inattentive souls [. . .] and to tell them of the oath of the day of covenant [. . .]
>
> (I, 273, 9–21)

> [2.] The first quality of prophecy is revelation *(wahy)*, which the Prophets [received] from angels, then the announcement of the invitation *(izhar al-da'wa)* in the *umma*, then the recording of the revealed Book in concise expressions, the explanation of its reading in the pure language *(al-fusha)*, then the elucidation of the commentary on its meanings *(ma'ani)* and the attainment *(bulugh)* of its interpretation *(ta'wil)*, then the fixing of composite traditions *(sunan)*, the cure of sick souls from corrupting doctrines *(madhahib)*, foolish opinions, evil habits, wicked actions and mean deeds, and the effacement of these from their hearts *(dama'ir)* through the mention of their faults *('uyub)* [. . .]
>
> And also [. . .] the knowledge of how to rule *(kayfiyyat siyasa)* bad souls [. . .] and inattentive souls [. . .][4]
>
> And [. . .] the execution of the Tradition *(sunna)* in the Law *(al-shari'a)*, the elucidation of the path in religious community *(milla)*, the explanation of what is lawful *(halal)* and unlawful *(haram)*, the detailed statement of legal punishments *(hudud)* and of legal precepts *(ahkam)* in all mundane affairs, then the exhortation to renounce worldly things *(al-tazhid fi 'l-dunya)* and the blame of those who crave them, and the detailed statement of the legal precepts for the elect, the common people and the intermediate ranks of people [. . .]"
>
> (III, 494, 15 to 495, 9)

It should be noted that the establishment of "satisfying Laws" and their explanation in texts 1 and 2 are expressed in terms that are lexically consistent with the description of the so-called *mu'jiza* (miracle) of the Prophet's "polyglottism" in Epistle 31. According to the Ikhwan, the Prophet spoke "to people about what they could understand in their situation and according to what they could conceive in their souls and what their intellects could grasp" (III, 153, 6–7). And again:

> [3.] The Prophet [. . .] answered him, who posed questions [belonging] to his community *(umma)* in his idiom *(bi-lughatihi)* [. . .] and spoke to him in his language *(bi-lisanihi)*. As to the others, he spoke to them [. . .] in their speech *(bi-kalamihim)*, [in that] he had been sent *(mab'uth)* to them and dwelt with them, taught and guided them, made expressions easy and forged meanings *(daraba [. . .] al-ma'ani)* for them, and treated them amicably, so that they understand religion and learn the Qur'an, in a pure language *(lisan fasih)* in which nobody [can] be mistaken, and which [nobody can] alter or change, if he has a strong memory and perfect direction.
>
> (III, 167, 2–7)[5]

However, ambiguities arise in the Ikhwan's representation of the tasks of the Prophet: some of the functions listed in text 2 are proper rather to the imam, as shown in Epistle 47:

> [4.] [. . .] when these dispositions are combined in one person in one of the periods of conjunctions in a certain time, that individual is the delegated one, the Lord of the time and the *imam* of the people while he is alive. And when he has communicated the message through faith, advised the community, recorded the revelation *(al-tanzil)*, hinted at interpretation *(al-ta'wil)*, strengthened the Law, fixed the way *(al-minhaj)*, established the Tradition and assembled the whole community, and dies and passes away, those dispositions remain in his community as an inheritance from him; and if those dispositions or their main part are combined in one (person) of his community, he is the one who appropriately becomes caliph in his community after his death; and if those dispositions do not happen to be joined in one person but are dispersed among a group that converges on a single opinion, their hearts are linked in reciprocal love, and they cooperate in assistance to religion and preservation of the Law, establishing the Tradition, guiding the community in the religious path, the dynasty persists for them in this world, and the reward is determined for them in the hereafter. But if that community disperses after its prophet's death, diverges from the way and religion dissolves the unity of their love, the question of their hereafter is corrupted and their dynasty abandons them.
>
> (IV, 125, 9–22)

This passage states—according to Shi'i views—that the spiritual legacy of the Prophet is inherited by his community, and the person who holds it because he has the right qualities becomes caliph after the Prophet's death. If this legacy is shared among a group that agrees on a single opinion and whose hearts are linked in reciprocal love while they carry out the Prophet's duties, the dynasty continues for them in this world and they will be rewarded in the hereafter. But if that community is dispersed after the Prophet's death, if the people change their way of life and religion or

dissolve the unity of their love, their dynasty falls and their fate in the hereafter is uncertain. Hence coincidence between the imamate and caliphate is affirmed beyond doubt and that "love" is one of the bases of a lasting dynasty in this world.

Although this passage appears to confirm the political commitment of the Ikhwan al-Safa' in line with the general Muslim views about prophecy and the caliphate, Ian R. Netton has argued that

> [. . .] the Ikhwan believed that a community could in fact dispense with the imam and still achieve salvation. At first, the imam is placed on a pedestal as the sum total of all the virtues. But by the end there is an acknowledgement that, provided these virtues are present in a unified community, *umma*, the imam is to all intents and purposes superfluous [. . .] the unified community of the Ikhwan is a repository of all the above-mentioned virtues and as such replaces any need for an imam. The equation of *umma* and Ikhwan becomes complete.[6]

Netton continues that *sadaqa* (loyalty) is sufficient and that *'aql* (reason) is their guide. The *Rasa'il* are hence not the oldest account of Isma'ili doctrine, as hypothesized by Yves Marquet: the Isma'ili elements are rather "reducible to the level of influences and should not be regarded as indigenous factors in the doctrine of the Ikhwan."[7]

The question whether the Ikhwan were or were not Isma'ili has to be postponed for another occasion. Further elements should be considered that at a first sight seem to support Netton's opinions.

In Epistle 48, the Ikhwan describe a "perfect city" *(al-madina al-fadila)*, perhaps less known but not less appealing than that of al-Farabi.[8] Though there are some fixed criteria as to how such a city should be built,[9] the majority of scholars incline to consider it as merely spiritual, denying that the Ikhwan have a polemical aim and preferring to believe that their debates were abstract and purely doctrinal.[10]

In fact the Ikhwan say that the perfect city must be under the sovereignty of the Grand Lawgiver, who reigns over souls and not over bodies. The inhabitants of this city should be virtuous wise men, whose understanding of matters of souls and of bodies is acknowledged; they should have a good way of life and maintain relations with their fellow citizens and with the inhabitants of the unjust cities. The perfect city must be founded on the fear of God and based on truth, so that it is "the ship of salvation" (cf. IV, 172, 11–12).

The Ikhwan also add:

> [5.] When you enter our spiritual city, follow our regal *(malakiyya)* way of life, act according to our pure *(zakiyya)* conduct, apply yourself to our

> rational Law *(fi shari'atina al-'aqliyya)*, then you contemplate the heavenly host and live the life of the felicitous in gladness and joy, delighted and lasting forever in your everlasting and noble soul, shining and invisible and diaphanous, not in your vile corpse, shadowy and heavy, liable to change and transformation, corrupt and perishable.
>
> (IV, 194, 21 to 195, 1)

Here the term *malakiyya* also means "angelic," and a way of life that is not only ascetic *(zakiyya)* but also supported by reason is clearly mirrored in the idea of a "spiritual city" *(madina ruhaniyya)*. In the following passage, the same terminology clarifies that the Lawgiver's rule is merely spiritual:

> [6.] [. . .] Law is for it (i.e., the Lawgiver's soul) like a spiritual city, and its regulation and control of the souls that make use of that Law is like the rulers' regulation of the inhabitants of the city [. . .] In this [way] it reaches pleasure, joy and gladness like those reached by rulers endowed with administration from the submission of their subjects [. . .] And whenever the number of the followers of the Law increases, it advances in gladness, joy, pleasure and happiness ever and ever.
>
> (IV, 135, 9–14)

Entering the spiritual city means following the Muslim sacred Law—the terminology, the final goal, and the statements of strict opposition between soul and body and between the temporal world and the hereafter are the same.

Love and unity proper to the inhabitants of this city presuppose the basic principle of the Ikhwan's whole system—mutual help:

> [7.] [. . .] nothing is more proper to mutual help than gathering the powers of different bodies and making them a single power, or bringing together the dispositions of well-ordered souls and making them a single disposition, so that all are like a unique body and a single soul, *and at that moment everyone who wishes this will achieve his victory, and will subjugate those who are contrary or opposed to him* [. . .] these conditions are complete [. . .] when each of them is aware that their souls are a single soul even if their bodies are separated.
>
> (IV, 169, 19–23 and 170, 14–15; italics added by author)[11]

According to Netton, the Ikhwan replaced the concept of the imamate with that of brotherhood, and consequently their attitude to the doctrine of the imamate is characterized by "a considerable vagueness of approach" and they pay only "lip-service to the traditional doctrine of the Imamate by the occasional unenthusiastic reference."[12]

But the reference to "victory over enemies" in this passage must not be undervalued: it might be a proof that our authors had developed a political theory, even more so because in my opinion the Ikhwan's approach to the imamate is wide, and it demonstrates beyond doubt their political commitment. Consequently, their theory of "brotherhood" supports the concept of the imamate.

The task now is to demonstrate that the "Lawgiver" plays a political role in the encyclopedia, not only a spiritual one.

Depiction of Political Authority in the *Rasa'il*

In Epistle 31 the Ikhwan state that as languages evolved, science changed as it was transmitted from one people to another. The core of the argument is that religious creeds also changed as a result of language transformations. More particularly, differences and contrasts within the *umma* resulting from changes in Arabic are linked to the learned debate regarding the identity of the Messenger's deputy (III, 165, 8–12). Even the *mu'jiza* of polyglottism mentioned earlier is related to the disagreement about the Messenger's deputy, which, the Ikhwan say, had lasted until the time their text was being written (III, 153, 8–10).

However this polyglottism is understood—as different methods or expedients used by the Prophet depending upon his interlocutors, different Arabic dialects, or even different languages; the discussion is about contrasting "Traditions" concerning the caliph of the Prophet. It must be determined which Traditions our authors have in mind, which ones they blame, and which they are trying to defend.

Answers to these questions are to be sought in the references in the encyclopedia to the Prophet Muhammad and the history of early Islam, and in the political ideas of the Ikhwan al-Safa.'

Relevant passages on the first topic are found in Epistles 31 and 44.[13] These passages add little to what is widely known to historians of Islam, but the Shi'i allegiance of the Ikhwan is confirmed by the indication of 'Ali, not Abu Bakr, as the first male convert. They record very early Shi'i events and people, such as the battle of Siffin (657), Yazid and Ibn Ziyad, Muhammad and 'Ali; and they comment bitterly on the struggles for the appointment of the caliph, which caused degradation of the sanctity of prophecy, slaughter of the family of the Prophet and the depreciation of Revelation culminating in the tragic events of Karbala' (680) (IV, 33, 2–6). I have elsewhere hypothesized that all this might suggest that the Ikhwan have in mind the so-called "first *fitna*," the beginning of which marked the reign of Yazid, during which the Umayyads came close to losing the caliphate. Their reference to the "representatives of the Law of Muhammad

and of the Hashimi federation" (III, 165, 11–12) may be an allusion to the 'Alids, in the strict sense of the direct descendants of the Prophet through Fatima, and to the 'Abbasids.

But to continue the theoretical approach: the Ikhwan state that in spite of the qualities of the Prophet's call, schools proliferated because the representations of their chiefs and learned men expressed different positions with regard to the pursuit of leading positions in the world: they agreed about roots—such as God's unity, the Creator's qualities, the Prophet's mission, the obligation of the Law—but they disagreed on ramifications—the Traditions of the Holy Book and the meanings that had been transmitted by people who had received them from the Prophet in his language and passed them on, everyone having received them in his own language (III, 152, 12 to 153, 5).

Insofar as it concerns the identity of the Messenger's deputy, there is no doubt that this main ideological disagreement about succession assumes a political relevance. The Ikhwan emphasize that while the Prophet made every effort to bring believers close to the spirit of his message by using different languages, the prophetic Tradition was no longer accepted after Muhammad's death because of disputes stemming from the desire for leadership *(riyasa)* and rank *(manzila)* (III, 165, 8–9), or, as is stated elsewhere, from "envy" (III, 166, 11)–precisely the opposite of the "love" indicated in text 4 as the guarantee of lasting temporal power. With regard to temporal authorities, the Ikhwan elsewhere attribute to them killing and absolute power *(ghalaba)* (cf. II, 368, 15, 474, 6–7, and III, 172, 2–3), and relate the essence of policy to the pursuit of leadership positions in the world (I, 353, 14–19), which is the starting point of the struggles to achieve the imamate. This leads once again to the question of our authors' political commitment.

In more explicit terms, the disagreement is identified with the so-called "blameworthy debate," because the deviation of learned men from the Prophet's original revelation caused disregard of the Prophet's legacy in the *umma*, and the appointment of a deputy "without any knowledge, legacy *(wasiyya)* or guide *(irshad)* from the Messenger, and without any word *(nass)* or gesture *(ishara)* (from the Prophet)" (III, 167, 9–12): such a text seems once again contrary to Netton's idea that the extreme Isma'ili theory of the imamate based on the conviction that the imam had been appointed by the Prophet by *nass* contrasts with that of the Ikhwan.[14] Rather, the "Tradition" supported by the learned engaged in the "praiseworthy debate" (III, 164, 12)–the debate that has the task of bringing Tradition concerning the divine Word into conformity with the "original" intentions of the Prophet (III, 163, 13–17 and 152, 10–13)–has to be the debate that brought about the formation of the Shi'i faction and that might have hindered its defeat.

I have demonstrated that a long passage in Epistle 31 (III, 153, 11 to 156, 9)[15] might refer to al-Ma'mun's period. Moshe Sharon's lexical analysis[16] supports the hypothesis that these passages mention the struggle between the 'Abbasids and the 'Alids, though the Ikhwan lament the continuation of a difficult situation until the time of their writing (III, 164, 9–10).

The theory of the Ikhwan al-Safa' about the imamate is the core of their political vision. It is variously approached in the encyclopedia, but it is mainly explained in Epistle 42 (III, 493, 2 to 498, 2).[17]

In line with their considerations in Epistle 31, the Ikhwan consider the imamate to be one of the "mothers" *(ummahat)* of learned opposition. Some think that the most virtuous *(afdal)* individual and the closest relative of the Prophet is to be appointed, but only on condition that the Prophet explicitly designated him. Others, not identified by the Ikhwan, think "the contrary to this" *(bi-khilaf dhalika)*. The question remains "unsolved to the present day" (III, 493, 3–10).

Further details of the political position of our authors can be deduced only from their theoretical approach to the question of the imamate. They state that the caliphate—in their view the imamate—is of two kinds: prophetic and regal. Consequently, the qualities or the conditions of the imamate cannot be understood or listed without first knowing those of prophecy and kingship (III, 494, 8–13). In the same way, divergences as to the caliphate can be explained through the different qualities that are or may be ascribed to the imam.

In Epistle 7 regal policy is clearly related to the caliphs and the *a'imma;* hence kingship coincides with the imamate:

> [8.] Regal policy is the knowledge of how to preserve the Law *(shari'a)* for the community *(umma)*, and to revive the Tradition *(al-sunna)* in the religious community *(milla)* by commanding good and forbidding evil *(bi 'l-amr bi 'l-ma'ruf wa 'l-nahy 'an al-munkar)*, establishing legal punishments *(hudud)* and carrying out juridical dispositions *(ahkam)* planned by the Lawgiver *(sahib al-shari'a)* [. . .]; and this is the administrative policy proper to the caliphs of the prophets [. . .] and of the rightly guided leaders *(a'imma)* [. . .] (I, 273, 22 to 274, 2)

The tasks correspond to those ascribed to the imam in Epistle 42, which are to

> [9.] preserve the Law *(shari'a)* for the *umma*, revive the Tradition *(sunna)* in the religious community *(milla)*, command good and forbid evil *(al-amr bi 'l-ma'ruf wa 'l-nahy 'an al-munkar)*. The *umma* will act according to *(tasduru 'an)* his opinion. Other people are his deputies *(khulafa')* in other

> Muslim countries on his behalf for levying land tax *(kharaj)*, collecting tithes and the *jizya* and distributing them among the troops and the entourage so as to preserve through them the Muslim harbors, fortify the country *(al-bayda)*, subdue enemies and protect the roads and weak people; the *imam* establishes what is right in mundane affairs and Muslim jurists and learned men will address him in religious matters and in controversial cases, such as government *(hukuma)* in Law, legal precepts *(ahkam)*, legal punishments *(hudud)*, retaliation *(qisas)*, prayer rituals *(salawat)*, Fridays *(jumu'at)* and feast days *(a'yad)*, pilgrimage, conquests *(ghazw)*, etc.
>
> (III, 493, 12 to 494, 2)

The imam is the guide of jurists and theologians in matters of law and ritual. Other tasks are listed, ascribed to "[the imam's] deputies *(khulafa')* in other Muslim countries." These approximately coincide with those which, in another passage from Epistle 42, are attributed to the "king":

> [10.] [. . .] adoption of the agreement *(bay'a)* with the responsive subjects, the disposition of elect and common people in their degrees, the levying of the land tax *(kharaj)*, tithes and the *jizya* from the religious community *(milla)*, the distribution of incomes *(arzaq)* among the troops and the entourage, the preservation of harbors, the fortification of the country *(al-bayda)*, the acceptance of peace overtures and truce from kings and rulers with regard to recommendable questions, and guidance on the union of hearts and the unity of love [. . .]
>
> (III, 495, 12–16)

Elsewhere, a king's purpose is explicated as:

> [11.] [. . .] good administration *(husn al-siyasa)*, justice in government *(hukuma)*, consideration for matters concerning the citizens, inspection of the conditions of the soldiers and servants, their arrangement in their ranks, and asking for their help in matters pertaining to them [. . .]
>
> (II, 299: 6–9)

These apparent inconsistencies may be clarified by the description of the "general policy," introduced in Epistle 7 after the prophetic and regal policies:

> [12.] The general policy—that is the administration *(riyasa)* of groups *(al-jama'at)*, such as the administration by princes *(umara')* of countries and cities, the administration by leaders *(dahaqin)* of the inhabitants of villages, the administration by chiefs of armies of the soldiers and so on—is the knowledge of the classes of subordinates [. . .] and of their works, doctrines *(madhahib)* and natural dispositions, and of the disposition of their degrees

> [. . .], of how to employ [. . .] and use them in the particular works and deeds to which they are suited [. . .]
>
> (I, 274: 3–8)

Terminological comparisons demonstrate that the expression *sahib al-shari'a* in text 8 refers to the Prophet, while the "disposition of elect and common people in their degrees" related in text 10 to "princes" (i.e., kings) might coincide with the tasks ascribed in text 9 to the imam's deputies. Finally, the princes and the deputies of the imam are those who implement the "general policy" described in text 12.

An initial conclusion is that for the Ikhwan there is a "regal" policy proper to the imam, expressed in terms of spiritual kingship, and a "general" policy proper to the political authorities, that is, to kings who carry out the imam's orders in every part of the empire.

Hence, *'ilm al-siyasa* not only has theoretical relevance but it also defines political goals. It remains to be ascertained whether the Ikhwan also ascribe a political function to the imam.

Relationship between the King and the Prophet

The king and the prophet are usually opposed in the encyclopedia because kingship is a worldly affair and prophecy is related to the life to come, just as this world is ruled by kings and the next by divine power. This is perfectly consistent with texts 6 and 7 quoted above.

The prophet needs "about forty qualities"; a king needs other qualities different from these (III, 497, 2–3). But at times these qualities are combined in a single person, who is thus the delegated prophet and also the king (III, 495, 18–19). Of course, prophets in whom kingship and prophecy are united do not crave the world (III, 497, 10–11): this is a proof of God's tenderness toward His community (III, 497, 21–22). And we have seen exhortation to asceticism among the imam's tasks in text 2.

In other cases, prophecy and kingship are found in two different persons, one of whom is the prophet delegated to that community and the other the person who has been given power *(al-musallat)* over them. They support—or should support—one another (III, 495, 19–21). Coexistence of both ensures the best defense of the community: the Ikhwan state that the distinction between prophecy and kingship was not the case with the Prophet Muhammad, who played a spiritual and a political role in the Muslim community.

But our authors are aware that the Prophet Muhammad's possible successors do not always match him in nobility: the Prophet's virtues removed the risk of a bad kingship while he remained alive, but the same can hardly

be said with reference to his successors. Apart from this, the Ikhwan only address the issue of the dignity of the deputy of the Prophet, which alone is the condition of a legitimate prophetic succession. It should be noted that this contrasts with the ʿAlids, who advocated closeness *(qaraba)* to the Prophet as a decisive criterion for election: the sole certain thing from their texts is that "very few people are like this" (III, 497, 1–2)–that is, as virtuous as the Prophet.

Consequently, according to the Ikhwan, few people are fit to become rulers. This parallels their statement about the Prophet's successor, so it has to be asked whether the "Legislator" is for them the imam. Should this be so, the imam as well as the "princes"–and the Prophet of Islam—have political relevance in the *Rasa'il*.

We have to agree with Netton when he remarks that it is not clear whether eschatological titles, such as *sahib al-namus al-akbar* [R. IV, 18], refer to an imam at all, and states that the separation of the offices of *wadiʿ al-shariʿa, wadiʿ al-namus*, and imam contradicts Marquet's opinion that the three terms are synonymous.[18] As we shall see, in this Epistle the Lawgiver is not always the imam-king. But the Ikhwan do not always assign the same name to the Lawgiver: they usually use the expression *wadiʿ al-shariʿa*, which in etymological terms indicates "Prophet," and sometimes the expression *sahib al-shariʿa* (IV, 136, 15 and 137, 20). The term *sahib al-shariʿa* is usually applied to the imam, but functions proper to the imam rather than to the Prophet are addressed with reference to the *wadiʿ al-shariʿa:* the *ta'wil* or the *daʿwa ila Allah*, for instance (IV, 130, 18 and 131, 21–22, respectively).[19]

The Ikhwan do not always agree in defining political actors or their duties, perhaps as a consequence of the shifts between prophecy and the imamate evident in texts 2, 4, and 8. And though the "Lawgiver" referred to in texts 5 and 6 can only be the imam, other passages in Epistle 47 refer to him in a way that makes it impossible to distinguish between the prophet, the imam, and the king.

At the beginning of the treatise, for example, two kinds of government *(riyasa)* are distinguished: the physical, linked to *al-muluk wa al-jababira*, "the kings and the tyrants," and the spiritual, linked to *ashab al-shara'iʿ* or "the companions of the Laws" (IV, 128, 6–13). If the latter are identified with the imams, the statement can be interpreted consistently as a distinction between bad kings—that is, the illegitimate imams—and the "rightly guided" imams.

Actually, many themes elsewhere related to the king are developed with regard to the Lawgiver. Unity, for instance, which we saw as the first basis of the survival of dynasties, is recommended to the Lawgiver—here the "rightly guided" imam—as the "first *sunna*" in terms of "reciprocal

friendship *(muwala)* due to the sacredness of the Law" (IV, 134, 3). But one must disobey those who are in conflict with the Tradition of the Law, even if they are relatives and friends (IV, 134, 4–5). This proves the essential religious quality of this rule.

In line with al-Mawardi and the Hellenistic tradition, Franz Rosenthal remarks that the essential quality of the imam is moral nobility, in addition to knowledge.[20] Hence opposition is not between *'adil* and *ja'ir*, but between *'adil* and *fasiq*;[21] the famous saying *din wa mulk ikhwan taw'aman*[22] was originally to be read as *'adl wa mulk ikhwan taw'aman*. The Ikhwan were evidently writing when the substitution of *din* for *'adl*, which occurred in Ardashir's original formulation, had occurred. They use the saying with regard to the Prophet and the imam, in which case it means that religion is the basis of kingship and kingship has the task of keeping religious Law alive, as well as with regard to the Prophet and temporal authorities, who establish religion in a country, while religion must urge the authorities to oblige people to observe its Law. In both cases, they mirror the current Muslim political vision; at the same time, the original opposition between *'adil* and *fasiq* may explain why the encyclopedia contains no extensive treatment of the corrupted regimes.[23]

In conclusion, the sole right government—to be understood as *'adil*, not *fasiq*–is that of the legitimate successors of the Prophet, "legitimate" in the sense supported by the Ikhwan, and the sole right rule is that which comes from the "authentic" prophetic revelation. In cases where prophecy and temporal authorities are involved, religion and religious Law do not necessarily coincide with the "legitimate" prophetic Tradition supported by the Ikhwan; in this sense they provoke the criticism of the Ikhwan. But when the king takes the place of the imam, when the qualities of the king and those of the imam coincide thoroughly and completely, the "ideal" situation is restored: the spiritual and temporal rule are united in the same person. If we accept that the ideal ruler is, for al-Farabi, the philosopher,[24] the Ikhwanian perspective differs from the Farabian in this as well.

Can the King Replace the Imam?

The last issue is whether the Ikhwan considered it possible that a king in Islam could take the place and role of the legitimate imam.

The question of the political attitudes discussed in their encyclopedia has to be postponed to another occasion, but it should be noted that the Ikhwan often urge the defeat of evil people. In Epistle 31 they twice identify the "evil ones" with the supporters of false traditions concerning succession in the caliphate. They say that the followers of those who falsify the divine

word will have "a Satan for comrade" (based on Qur. XLIII, 36). They further declare that God will annihilate such evil people, who were numerous in past times. Instead, good people are urged to come closer and closer to God and His word (III, 156, 2–3 and 154, 19–24).

In Epistle 4, the Ikhwan present a cyclical conception of the alternation of ruling dynasties: each dynasty *(dawla)* has a beginning, a rise to a high point and a decline to an end; just as day and night or the seasons alternate, dynasties follow one from another. This is the case with both good and evil dynasties, on the basis of Qur'an 3:140. At the time of writing, "the dynasty of the evil reached its apex," so that only decline and diminution were to be expected in the future (I, 181, 14–18). The dynasty of the good will begin when the learned agree "on a unique school and a sole religion," commit themselves to mutual help, and desire the vision of God and doing His will as their reward (I, 181, 19 to 182, 2); it is to be noted that this is the "victory" mentioned in text 7 above.

This passage seems to echo the qualities combined in the king-imam but it should not be interpreted only in terms of Messianic expectations. It is also consistent with the statement in Epistle 31, according to which conflicts between religious schools are considered as reconcilable only through "knowledge of the truth in which they all agree in the expression 'the fear of God' " (III, 161, 16–17: *al-ma'rifa bi 'l-haqq alladhi yajma'uhum 'ala kalimat al-taqwa):* we remember that the "perfect city" was grounded just upon *al-taqwa*, in such a way that its construction does not collapse, and on the truth *(al-sidq)* (IV, 172, 6–8).

In Epistle 47, the Lawgiver of such a city is a king endowed with qualities that enable him to perform tasks proper to the imam. Nevertheless, until the Ikhwan's time, historical rules had been imperfect because the Prophet's successor was illegitimate, which brought the kingship and the imamate into opposition (cf. III, 497, 5–22).

The political program of the Ikhwan seems then to be subsumed in the will of the just king, reported at length in Epistle 31 (III, 176, 4 to 177, 7). At the beginning, the king invites the learned men of his entourage to behave toward his son in the same way as they behave with him. Then he says:

> [13.] Fear God and mediate your conflicts; be obedient to your rulers and beware of divergence, dissimulation, enmity, contention and dispute in your religions, opinions and doctrines; indeed in neglecting this [there is] godliness for you, for your souls and for your relationship, calm for your hearts and protection for your country; and your enemy will not desire you[r ruin] as long as you persist in this. And if you neglect that which is good for you [. . .] then your enemy will desire you[r ruin], your country will be destroyed

> and your possessions and lives will perish [. . .] Know that in the agreement of speech and in neglecting of divergence [there is] a blessing for those who devote themselves to this [. . .] Indeed when two sticks which were frail are brought together and many frail sticks like them are united to the [former] so that they become a single stick, [the newly formed stick] is difficult to break.
>
> (III, 176, 9–18)

In this passage, many well-known elements of the Ikhwan's political theory are echoed: fear of God, the invitation to resolve disputes and to obey the rulers, the indication of divergence as the main cause of weakness in front of enemies, and the call to unity—that is, to "mutual help." The king ultimately appoints his own son as his heir, explicitly and before witnesses (III, 176, 23 to 177, 2).

This passage demonstrates that the king has in mind controversies about succession—that is, about the imamate. This is borne out by the following text:

> [14.] There is no group *(jama'a)* which agrees on any matter related to religion or the mundane world [. . .] whose way of life is rightly guided, unless it has a ruler who guides it in order to keep it united, to preserve the arrangement of its disposition [. . .] and to protect its righteousness from corruption, because the ruler, too, must have a basis upon which he establishes his command, by which he judges among them, and according to that command he preserves their arrangement.
>
> (IV, 127, 11–14)

The undisputed, necessary "basis" *(asl)* is of course the legitimate prophetic Tradition about political succession. If it could be demonstrated that the Ikhwan al-Safa' approached politics from the theoretical standpoint, the famous thesis of the irreconciliability of religion and philosophy, stated by Abu Sulayman al-Sijistani against the Ikhwan, would be false.[25]

But there is another ground for the Ikhwan's ideal community—the reference to Intellect:

> [15.] We have accepted a ruler *(al-ra'is)* for the community *(jama'a)* of our Brethren, [his] judgement between us, and the Intellect that God the Almighty has placed as a guide for His noble creatures who are under order and prohibition; and we have accepted the reasons for his legal decisions according to the conditions we have mentioned in our Epistles and we have recommended to our Brethren.
>
> (IV, 127, 16–19)

There is an apparent echo of the last of the proofs brought by Netton to deny the political commitment of the Ikhwan al-Safa'–that reason can in their doctrine substitute for the caliph.[26] But here the perfect community is at hand; hence its ruler can only be the Prophet, or its legitimate successor (see above, texts 5 and 6), who is supposed to take power so that Islam attains the highest unity (see text 7).

This is confirmed by the following passage:

> [16.] Know that when the Lawgiver's power is added to the intellects of the most intelligent *(al-'uqala' al-akhyar)*, they do not need a ruler who guides, orders, forbids, scolds and judges them, because the Lawgiver's intellect and potency *(qudra)* take the place of the ruler *imam*. Then come, O brother, let us follow the Tradition of the Law and consider it a guide *(imam)* for us in what we have decided [. . .]
>
> (IV, 137, 10–13)

Here the Lawgiver is once again the Prophet, whose qualities—his legacy—are inherited by "the most intelligent," which emphasizes the epistemological function of the Shi'i caliph. In this case a temporal ruler, here indicated by the words "ruler-imam," is no longer necessary because the rational Law recalled in text 5 is the real guide, "incarnated" in the "rightly guided" imam and in his reason and knowledge.

But in Muslim philosophy the "Intellect" possessed by the Prophet—and the "rightly guided" imams—is not the human reason but the Active Intellect, to which the *ta'yid* (spiritual support) of the souls is committed throughout the Ikhwanian encyclopedia. It is clearly a reminder of the role of the Active Intellect again in terms of the *ta'yid* and of the strong link between it and the *asas* in the system of the Isma'ili da'i Abu Ya'qub al-Sijistani, a contemporary of the Ikhwan.

This of course opens the way to the second side of the argument—the Isma'ili commitment of the Ikhwan, also questioned by Netton. But that subject will be approached in another study.

Notes

1. The Ikhwan's interest in political issues is mainly emphasized by Eastern scholars who in general incline toward the "filo-Isma'ili" hypothesis. Cf., for example, Muhammad Farid Hijab, *Al-falsafa al-siyasiyya 'inda ikhwan al-safa'* (n.p., 1982) and 'Arif Tamir, *Ibn Sina fi marabi' ikhwan al-safa'* (Beirut, 1983), especially 89–108. I have not yet seen Ahmad Sabri, *Ikhwan al-safa bayna 'l-fikr wa 'l-siyasa* (Cairo, 2005).

2. Cf., for example, Joel L. Kraemer, "The *jihad* of the *falasifa*," *Jerusalem Studies in Arabic and Islam* 10 (1987): 288–324, who demonstrates this thesis with regard to the *jihad*; and more recently Sara Stroumsa, "Philosopher-king or philosopher-courtier? Theory and reality in the *falasifa*'s place in Islamic society," *Identidades marginales* (Estudios onomástico-biográficos de al-Andalus, XIII), ed. Cristina de la Puente (Madrid, 2003): 433–459.
3. The edition referred to is Butrus Bustani, *Rasa'il ikhwan al-safa' wa khullan al-wafa'* (Beirut, 1957), 4 vols. I indicate the volume, page(s), and line(s) of each quotation or reference; my additions are within square brackets.
4. Qur'an 5:19 is quoted in both passages cited immediately above.
5. Cf. Carmela Baffioni, "The 'Language of the Prophet' in the Ikhwan al-Safa'," in *Al-Kitab. La sacralité du texte dans le monde de l'Islam*. Actes du Symposium International tenu à Leuven et Louvain-la-Neuve du 29 mai au 1 juin 2002 (Acta Orientalia Belgica Subsidia III), ed. Daniel De Smet, Godefroid de Callatay, J.M.F. Van Reeth (Brussels and Leuven, Belgium, 2004), 357–70.
6. Cf. Ian R. Netton, "Brotherhood versus Imamate: Ikhwan al-Safa' and the Isma'ilis," *Jerusalem Studies in Arabic and Islam* 2 (1980): 253–262, on p. 257, on the basis of passages such as IV, 125–126.
7. Netton, "Brotherhood," 262.
8. I have addressed this issue elsewhere, both in itself (cf. "Al-madina al-fadila in al-Farabi and in the Ikhwan al-Safa': A Comparison," in *Studies in Arabic and Islam*, ed. Stefan Leder et al. [Leuven, Belgium, 2002], 3–12) and with regard to its Greek origin (cf. "The 'General Policy' of the Ikhwan al-Safa: Plato and Aristotle Restated," in *Words, Texts and Concepts Cruising the Mediterranean Sea. Studies on the Sources, Contents and Influences of Islamic Civilization and Arabic Philosophy and Science*. Dedicated to Gerhard Endress on his sixty-fifth birthday, ed. Rüdiger Arnzen and Jörn Thielmann [Leuven, Belgium, and Paris, 2004], 575–592). Richard Walzer considered Plato as the immediate antecedent of the Farabian representation; cf. the introduction to *Al-Farabi on the Perfect State. Abu Nasr al-Farabi's Mabadi' Ara' Ahl al-Madina al-Fadila*, trans. Richard Walzer (New York, 1985). Actually, al-Farabi is extensively treated, while the Ikhwan al-Safa' are completely ignored in Kraemer, "Jihad," 297–318, where the common principles between Plato/al-Farabi and the Islamic political system are indicated; and Stroumsa, "Philosopher-King," 435 and 441–447.
9. It must not be built close to unjust cities or by water, to avoid perturbations of the sea, or in the air, to avoid the smoke of the unjust cities; it must be higher than the other cities, so that its inhabitants may observe everything; cf. IV, 171, 16 to 172, 12.
10. Cf., for example, Yves Marquet, *La philosophie des Ihwân as-safâ': l'imâm et la société* (Travaux et documents N° 1) (Dakar, 1973), 153.
11. Cf. also IV, 134, 10–15 and IV, 54, 18–23. In fact "a single man alone can live only an unhappy life" (cf. I, 99, 19 to 100, 6).
12. Netton, "Brotherhood," 257 and 261.

13. These and other related passages are extensively treated in my article "The 'History of the Prophet' in the Ikhwan al-Safa'," in *Studies in Arabic and Islamic Culture II*, ed. Binyamin Abrahamov (Ramat-Gan, Israel, 2006), 7–31.
14. Netton, "Brotherhood," 255–256.
15. The text has been quoted and extensively discussed in my articles "Ideological Debate and Political Encounter in the Ikhwan Al-Safa'," in *Magaz: Culture e contatti nell'area del Mediterraneo. Il ruolo dell'Islam*, ed. Antonino Pellitteri (Palermo, Italy, 2003), 33–41, 36, 40–41; "Temporal and Religious Connotations of the 'Regal Policy' in the Ikhwan al-Safa'," in *The Greek Strand in Islamic Political Thought*, Proceedings of the Conference held at the Institute for Advanced Study, Princeton, NJ, June 16–27, 2003, ed. Emma Gannagé et al., Mélanges de l'Université Saint-Joseph 57 (2004), 337–365, part. 355–64; and Baffioni, "History of the Prophet," 23–31.
16. Concerning lexical support for the 'Alid and Umayyad pretensions to the imamate, Moshe Sharon considers only *wasiyya* (attributed by al-Mukhtar to 'Ali as well as to Muhammad b. al-Hanafiyya) and *nass*–after the 'Abbasids' assumption of power; see his "Notes on the Question of the Legitimacy of Government in Islam," in *Religion and Government in the World of Islam* (Israel Oriental Studies X), ed. Joel L. Kraemer and Ilai Alon (Tel Aviv, 1983), 116–123, at 123 and 121.
17. Cf. Carmela Baffioni, "History, Language and Ideology in the Ikhwan al-Safa' View of the Imamate in Authority, Privacy and Public Order in Islam," ed. Barbara Michalak-Pikulska and Alexander Pikulski (Leuven, 2006), 17–27.
18. Netton, "Brotherhood," 257–258. The reference is to Y. Marquet, "Imamat, résurrection et hiérarchie selon les Ikhwan as-Safa," *Revue des Etudes islamiques* 30 (1962): 49–142, at 49, 63.
19. According to Kraemer, referring to al-Farabi, the expression *wadi' al-shari'a* has no religious meaning because it simply translates the Geek *nomothetês*, just as the words *shari'a* and *sunna* are to be understood in the sense of *nomos*, not "religious Law" and "Tradition," unless this is required by the context (cf. Kraemer, "Jihad," 1987, 294–295; the same is said for *mujahid* and imam; cf. 293 and 290, respectively). I do not think this understanding is appropriate in the case of the Ikhwan al-Safa'.
20. Science is at the basis of the epistemological vision of the imam, strictly linked to the Ikhwan's Shi'ism, or perhaps Isma'ilism, discussion of which has to be postponed to another occasion.
21. Cf. Franz Rosenthal, "Political Justice and the Just Ruler," in *Religion and Government in Islam*, 92–101, at 98 and 100.
22. On this saying in the encyclopedia, cf. my article "Temporal and Religious Connotations," 338–340, 346, 352.
23. It mentions *al-mudun al-ja'ira* only twice (IV, 171, 24 and 172, 2). In this our authors differ considerably from al-Farabi, who more than anyone else seems to maintain the Greek tradition.
24. Cf. on this Stroumsa, "Philosopher-King," 445. The Ikhwan's Shi'ism is assimilated to that of Miskawayh and al-Farabi by M. Arkoun, *Contribution à l'étude*

de l'humanisme arabe au IV^e^/X^e^ siècle; Miskawayh (320/325–421) philosophe et historien (Etudes musulmanes 12) (Paris, 1970), 96–97, quoted in Joel L. Kraemer, *Humanism in the Renaissance of Islam. The Cultural Revival during the Buyid Age*, 2nd rev. edition (Leiden, , 1992), 223. But the ideal ruler in al-Farabi is still the imam (cf. my article "Al-madinah al-fadilah"); another Isma'ili reading of al-Farabi is discussed in Diane Steigerwald, "La pensée d'Al-Farabi (295/872–339/950): son rapport avec la philosophie ismaélienne," *Laval Théologique et Philosophique* 55/3 (1999), 455–476.

25. Cf. Joel L. Kraemer, *Philosophy in the Renaissance of Islam: Abu Sulayman al-Sijistani and His Circle* (Leiden, 1986), 137 and 230ff.
26. Netton, "Brotherhood," 258, referring to IV, 380.

5

The Responsibilities of Political Office in a Shi'i Caliphate and the Delineation of Public Duties under the Fatimids

Paul E. Walker

The Fatimids rose to political dominion in North Africa in 909. The new caliph, al-Mahdi, was already imam of the Shiᶜi followers but, until then, he had not actually ruled a politically defined territory. However, he and his successors thereafter were both imams in the religious sense and also rulers of an empire that grew from its original base in what is now Tunisia, Algeria, and Sicily. In 969, the Fatimids added Egypt, much of Syria, and the holy cities of Arabia to their growing empire. As imams of the Isma'ilis, the Fatimids controlled a network of missions *(da ᶜwa*s) that reached deep into areas dominated by their opponents, and, as caliphs, they governed a populace that comprised a substantial majority who were not and never became Isma'ilis. Most of them were Sunnis. Fatimid caliphs therefore played two roles. On the one hand, they were the leaders of the various Muslim communities within their realm; on the other, they were imams of a religious movement, the Isma'ilis, a sub-branch of the Shiᶜa. A Shiᶜi imam is the infallible, divinely chosen guardian of those who adhere to his cause. His word is absolute; the devotion of his followers is total and unconditional. In theory he is the single agent of God on earth. As rulers of a varied population, however, it was essential for the Fatimids

to communicate, not merely with Isma'ilis, but with the rest as well. The pertinent question here then is how this dynasty articulated a principle of public duty that recognized the august supremacy of the imam and yet assured the loyalty of all the citizens of the state, most especially those individuals appointed to administer the offices of government.

The Concept of Public Duty

Public duty means in this instance the duties of a political office, or such offices that serve a public function (or a position with responsibilities for the welfare of a significant body of others), in a general sense, that which is required by the holding of such a position, and the moral obligation to do or not to do something bound up with such responsibility. From the classical Islamic world at the time of the Fatimid dynasty (tenth to twelfth century), there exist many different works that attempt to delineate the requirements involved in public office, most notably that of *wazir* and *qadi*, but also, among the Sunnis, some concerning the caliphate itself. Examples would include al-Mawardi's justly famous *Kitab al-Ahkam al-sultaniyya (Book of the Ordinances of Government)*,[1] the many treatises on the *adab al-qadi* (the judge's comportment), and Nizam al-Mulk's *Siyasat-nama (Book of Government)*,[2] which is of the mirror for princes variety. There are other examples and types. One more rarely used source for understanding the obligation involved in public responsibilities is the decree of appointment commonly issued to the new appointee at the time of induction into office. Examples for various regions of the Islamic world are not rare or particularly hard to find. Typically, copies of them survive incorporated into the corpus of work by the author of the decree in question, as, for example, those by al-Sahib Ibn ʿAbbad from the tenth century preserved in his collected *Rasaʾil* (letters),[3] or in works (manuals) of chancery practice composed by various authors.[4]

The Fatimid case is largely the same except with one notably and highly important exception. Whereas Sunni authorities might write about the requirements and obligation of the caliph and the caliphate, the Shiʿi imamate of the Fatimid ruler was not open to comments of this kind. An Abbasid caliph could be removed from office, and replaced. Not so the Fatimid caliph. In 991, for example, the Buyid amir Bahaʾal-Dawla deposed the caliph al-Taʾi and substituted al-Qadir. Moreover, Sunni theory tolerates, under certain circumstances, rebellion against an irreligious or unjust caliph. For the Isma'ili Shiʿa, the community has no say whatsoever in determining who is imam, nor can it sit in judgment on the actions of the person who holds that office. The Fatimid caliph is ruler by virtue of

lineage and having been explicitly designated by his predecessor in a line running back to the Prophet. He is God's choice, and not the people's.

Fatimid writings on the subject of the imamate are not plentiful but there are several. Two of special importance come from the era of al-Hakim, one by the philosopher Hamid al-Din al-Kirmani[5] entitled "Lights to Illuminate the Proof of the Imamate" *(al-Masabih fi ithbat al-imama)* and the other by a *da^ci* active in Cairo, Ahmad al-Naysaburi, called similarly "Proof of the Imamate" *(Ithbat al-imama)*.[6] It is amply clear from either one, however, that these authors are not advisors to the caliph. What they write is in no way a mirror for the prince. And neither would even remotely have hoped to play that role. For them, in describing what an imam does, and what his subjects might expect that he would do, is almost precisely what the Muslims understand as the function of the Prophet in his capacity as the divinely appointed leader of its community. The current Fatimid imam-caliph occupies the place of the Prophet (except in regard to receiving revelations). What the imam does is what he should do and only he, among all humans, knows exactly what that is. Ordinary humans cannot comment critically on his actions any more than they can on those of God. Like the acts of the Divine, they are simply not subject to human scrutiny, and they may thus be occasionally quite as unintelligible and perplexing as are the mysteries of many of God's ways.

Such restrictions do not, however, prevent these authors from boasting about what the imams do and have done, but, lauding the Commander of the Believer's commanding of the good and forbidding of the wrong, his charity and justice, is not prescriptive in any sense. There is no obligation involved. Such praise is simply a record from the perspective of the caliph's subjects of what good they have received from him and his actions, or what traits they happen to observe in him.

The responsibilities of all who occupy lesser ranks, by contrast, are not exempt from human inquiry and from the expectations of the governing authority. But the interplay between the exalted concept of rule by a divinely sanctioned imam, whose knowledge of right and wrong depends on God alone, who infallibly determines what can and cannot, should and should not, be done, and the actions proper to those he appoints to serve him as intermediaries between himself and his subjects is not quite the same as it would have been under the Abbasids. The Fatimids claim infallible, divinely protected authority; no power is above them save that of God Himself. There is no consensus of Muslims to which they themselves adhere. Those the Fatimids appoint to office are beholden to them and not to an abstract notion of Islamic doctrine derived from the collective determinations of the scholars, as among Sunnis. The problem then is exactly how is this difference set out and in what manner it might affect the

government (or the theory of government) at large under these conditions. What is the duty of a public office under this version of the Shiʿi caliphate?

Works on Public Duty within the Domain of the Fatimids

For the Fatimids we have several kinds or classes of documentation that might help to solve this problem. Two of the most important are, first, a version of the famous "commission" *(ʿahd)* of ʿAli, as found in Qadi al-Nuʿman's tenth-century manual of Ismaʿili legal materials, *The Pillars of Islam (Daʿaʾim al-Islam)*, in its chapter on *jihad*.[7] His text is like but not the same as the other version of the same *ʿahd* now found in the *Nahj al-balagha (The Path of Eloquence)*, which was compiled in Baghdad by al-Sharif al-Radi a half century later.[8] Second, we have a treatise known as the *Sufficiently Concise Summation of the Rules for the Comportment of the Ranks and the Requirements for the Rightly Guiding Daʿwa (al-Mujaza al-kafiya fi adab martaba wa shurut al-daʿwa al-hadiya)*,[9] by the same *daʿi* al-Naysaburi from the time of al-Hakim mentioned already.[10]

Al-Naysaburi's Account of the Duties of the *daʿi*

Al-Naysaburi's work, as interesting as it is, may provide limited information since it purports to apply to the activities of the *daʿwa* and its *daʿi*s only. For most of its history and in the majority of places it functioned, the Ismaʿili *daʿwa* operated in secrecy. Outside of Fatimid territory, it constituted an opposition movement and its aim was overthrow of the ruling power. However, it is also true that the *daʿwa* had a state function under the Fatimids and a *daʿi* could therefore be considered, in such a situation, a public (as opposed to private) agent of the government. The chief *daʿi*, the *daʿi al-duʿat*, held a rank high enough in the state to put him third (or fourth if one counts the caliph) behind the *wazir* (if there was one) and the chief judge, the *qadi al-qudat*.[11] Moreover, al-Naysaburi's account of the *daʿi*'s duties—his responsibilities to his public—is remarkably complete down to fairly mundane details, some elements of which suggest a broader application.[12]

At one point he comments, for example:

> The *daʿwa* is a difficult matter and its qualifications are many, including all that God has stipulated in the Qurʾan to describe a believer as well as what the imams have specified in their books concerning the faithful. These things are required also of the *daʿi*. He should have even more of these excellences and they should be more evident in him. If they do not exist in the believer, his belief is nevertheless possible, but it is not acceptable that they do not

> exist in the *daʿi*. [. . .] The qualifications for the *daʿwa* are based on three things: on knowledge, on God-fearing piety, and on governance.

Knowledge and God-fearing piety are private traits that do not necessarily involve governmental functions; governance is, however, by its very nature a public activity. In that governance is central to the duties of a *daʿi*, his duties are therefore clearly public.

Al-Naysaburi next offers a full accounting of these same three areas. In doing so he offers a statement defining more specifically his notion of governance.

> In regard to governance, it has three grades: the governance of the individual, governance of the household, and governance of the community. It is necessary for the *daʿi* firstly to govern his own self, provide for the welfare of his soul, control it and preclude it from having any of the vices and any and all bad habits of character, keep it from reprehensible desire for things that are illicit, bear itself in conformity with the virtuous, fulfilling required duties and established regulations. He will censure himself sincerely if he behaves badly, along with regret, reproach and repentance, and he will reward himself if he is good with delight, praise and the urging of more fine actions and the acquisition of knowledge [. . .] He who succeeds in governing his own self is fit and able to govern others. It is said: Do what is beneficial to yourself and the people will follow you [. . .]
>
> Governance of the household is the governing by a man of his own family and retainers, controlling them, teaching and educating them, instilling the virtues in them and preventing vices, rewarding those that are good, punishing those who are bad [. . .] He who succeeds in governing himself and his family is fit to have charge of governing the rest of the people in matters of faith and he who cannot govern himself and his family is not fit to be a *daʿi*.
>
> Governance of the community involves supporting the administration of the person who leads them in matters of the welfare of this life and of their salvation, who instills in them proper respect for the national law, keeps them from reprehensible and illicit actions, promotes the virtues, rewards those who do good and punishes those who do evil, who maintains for them the benefits of religion. A person who is not good at the governance of the individual, the family and the community is not fit for the *daʿwa*. The *daʿi* must educate the *daʿi* below him in knowledge, test and try him and arrange his affairs, punish and reward him, each according to his rank [. . .] He offers to each his sincere counsel, a good forecast, and preservation of the welfare of all of them in truth, justice and fairness. A person lacking these three forms of governance cannot be a *daʿi*.

The *daʿwa*, as envisioned here, involves a public responsibility that might well apply in the case of almost any government office. The language used by al-Naysaburi in this instance could easily have appeared in a

description of the duties of, say, a *qadi*, a *wazir*, or a *muhtasib* (market inspector) or almost any other public office.

While the stipulation that the *daʿi* must master the three degrees of governance is fairly general, al-Naysaburi also adds a long list of more specific requirements. The following items provide a few examples:

> A *daʿi* should possess all of the virtues that are found separately among the rest of the people. He requires therefore the excellences of the specialists in legal reasoning because he himself must be a jurist in both the external and internal aspects of it. He must have the virtues of a judge because he is, in fact, a judge both according to the external and the internal; he needs patience, knowledge, perseverance, soundness of opinion, skill, integrity, fortitude, and other characteristics that apply to judges. There should be in him the qualities of those who administer the government, among the virtues of which is courage, generosity, skill in management, prudence, political aptitude, and cultural refinements. He is the prince of religion and of its adherents [. . .]

Here next is the rule for appointing those subordinate to the *daʿi* himself:

> A *daʿi* is not allowed to make appointments to the *daʿwa* to fulfill some service or satisfy a claim of favor, or for affection, relationship, friendship, intercession, or concern, or for some gain, or to avoid some harm, or out of shame, modesty or fear. All of those things lead away from religion, from justice, from security and from good will toward God and the Messenger [. . .] It is related how the king of the Byzantines once wrote to Nawshirwan, "What keeps your government in such good order that it has no defect?" He replied: "I appoint only the qualified, not for attention; I punish for a crime, not out of anger; I give when it is deserved, not because of love; and I fulfill both promise and threat."

The advice offered here might, again, apply broadly, not merely to the *daʿwa*.

The role of the imam, who occupies the first rank in the hierarchy and who is the ultimate source of all earthly authority, comes up in the following manner. His position is, after all, critical in the Shiʿi government. That is reflected clearly in these passages:

> The *daʿi* must see to the affairs of the *daʿwa* and its proper administration, thereby relieving the Imam of that obligation, for the Imam has appointed him to manage the *daʿwa* and maintain the welfare of the various regions. When he manages properly these affairs, arranging them as they should

be, he settles matters by the order of the Imam for these matters belong solely to God and to His representative and it is not for anyone to speak ill of him.

When necessary the *daʿi* should spend of the personal funds that have been granted him by the Commander of the Believers on matters connected to the benefit of the *daʿwa* which are not in doubt and are of such a kind that it is not possible to take the matter to the government and make a request for it, since not to do so at the moment, would bring harm upon the *daʿwa*. It may take too long to refer the matter to the Imam. If he waits, it might cause irreparable damage [...] The *daʿi* is responsible for the management of all the business of the *daʿwa*, its administration and that of the various provinces and the organization of the *daʿwa*. It is [the] responsibility of the Imam to provide him with knowledge and funds. Thus the *daʿi* is responsible for its repair and the amelioration of all corruption, trouble, the perversion of doctrine, doubt about religion, going astray, insurrection, and rebellion that happens in the *daʿwa*. If he fails in that out of willfulness, or lack of effort on his part, carelessness, inattentiveness, or incapacity, he is the one who is accountable for that and for the consequences of it. When God questions the Imam about things connected to the affairs of his community and his safeguarding and care for them, the Imam will ask him for he put that on his neck. He is the one answerable for it and it was up to him to arrange matters in that regard. If he was unable, it was up to him to make his inability known to the Imam and to beg forgiveness for that so that he could appoint someone else to take care of it [...]

Material of this type in al-Naysaburi's treatise amply illustrates what was expected of the *daʿi*s individually and, more particularly for the present purpose, collectively. The concept of duty is obvious; it was an inherent feature of the position. However, we would ultimately find it hard to assess the real authority of these and the many other statements and conditions laid down in al-Naysaburi's work and how actually his words may have functioned within the *daʿwa*, let alone determine their standing outside. Could its stipulations, for example, have applied to all holders of an office under the imam's rule? Or could they have applied merely to those within the *daʿwa*? If not, do we nevertheless need to wonder if the treatise itself did, possibly, circulate widely? Could an office-holder who was not a member of the Ismaʿili *daʿwa* have read it? We know only that al-Naysaburi was fairly important and that his writings (particularly this one) were, in later times, held in high esteem by the Ismaʿili community. Surely, if it was available to the citizens of the Fatimid realm (a not unreasonable assumption), it may well have served as a primer on the duties of public office quite beyond the *daʿwa* for which it was written.

The ʿ*Ahd* of ʿAli as a Statement of Public Duties

The ʿ*ahd* of ʿAli was, according to the *Nahj al-Balagha*, his commission to Malik al-Ashtar when the latter was appointed the governor of Egypt and is thus a set of prescriptions for the duties of an early regional administrator, albeit in this case a major one. Qadi al-Nuʿman's Fatimid version makes no mention of Malik or of Egypt. It says, moreover, that, although it comes from ʿAli, and rests on his authority in the first instance, ʿAli himself traced it one step higher, that is, to the Prophet himself. It could therefore be seen as the Prophet's commission to ʿAli (prior to ʿAli's having succeeded and become at that later point an imam-caliph in his own right). Given then its supreme authority, whether from the Prophet or from ʿAli, it might well have served as the quintessential statement of the duties inherent in public office.[13]

The kind of rhetoric in this ʿ*ahd* that concerns public duty is illustrated by the following sample phrases:

> Recollect your former state . . . Begin by giving good counsel to your conscience, pertaining to your own self. Fear God . . . Do not allow your station in life to lead you astray from the path of moderation in desiring a rank that is not yours by right . . . Let not the favors bestowed on you by God make you too proud to exalt Him as He deserves . . . Never allow any of God's bounties to embolden you to think that He has freed you from any of your own obligatory duties, or to think that you have acquired the right to be relieved of your most arduous responsibilities . . . Have God's favors to you so emboldened you that you now invite His wrath? . . . Remember death . . . Know that people judge your administration exactly as you judge those that held a similar office before you . . . Let your most cherished and profitable treasure be the abundance of good deeds . . . Be merciful . . . Incline your heart to show clemency, affection, sympathy, and beneficence to your subjects.

There is much more in the text of the same type of pious advice, most of it aimed generally and valid for almost any holder of a public responsibility. Platitudes of this type are common in the literature of princely advice. They hardly serve to set this apart from countless others. Some passages, however, are more specifically concerned with the technique of governing, as in specifically administering to what it delineates as the five separate classes of subjects: (1) soldiers and the army; (2) the governor's aides, the secretaries, and the judges; (3) taxpayers and landowners; (4) merchants and artisans; and (5) the masses. Each of these has its own section. A good example is the following passage about judges:

> Appoint such a man to administer justice. Then increase your support of his work and decisions, and remunerate him generously to make him free of the

> temptation to decrease his wants from the people. Give him a station in life so elevated as to be beyond the jealousy of others [. . .] Thus he will not show favor to a litigant hoping for a profit from him.

But, again, little of this material is especially interesting or noteworthy in the present context except, possibly, a provision concerning the differing of judges:

> Judges differ among themselves only when they rely exclusively on their own opinions as distinct from that of the Imam. So, where judges differ among themselves, they should not decide the case, nor persist in their differences, but submit the question to the Imam for a decision, since all controversial matters among men should be referred to the Imam.

The role of the imam in this context, though clear enough in this statement, seems out of place in the context of an *ʿahd* issued by the Prophet (or ʿAli, for that matter). But its importance to the Fatimids is obvious. Here, then, is direct evidence of how this commission, in this form, attempts to preserve the supremacy of the imamate, which, as would be expected under the Fatimids, is above the rank of the person to whom the document is addressed. The holder of the commission is told explicitly to pass the dispute between two judges up to the imam, not presumably to himself. Although less clear in this text than in that of al-Naysaburi, the intention of the commission and the primary duty of the one appointed by it is to implement the rule of the imam. He is the ultimate arbiter in all matters. And, as in the time of ʿAli's imamate, he is present and available. That condition was true of the Fatimid ruler. It was thus possible to appeal any and all issues to him. Where the Sunni authorities might appeal to a consensus of those most knowledgeable in Islamic doctrine and law, the Shiʿis simply follow the decree of their imam and that exclusively.

While much of the kind of rhetoric in this commission appears in many other, later examples of commissions and decrees of appointment, a specific connection is not yet clear between it and them and needs investigation. Surely, however, later chancery clerks had read this most original of Islamic *ʿahd*s. Presumably it was available widely and thus was readily accessible. Any analysis of later Fatimid appointment decrees must keep this possibility in mind.

Fatimid Appointment Decrees and Commissions

Various descriptions of Fatimid administration, such as those by al-Maqrizi, both in his *Khitat*[14] and at the end of his history of the dynasty,

the *Itti*ᶜ*az al-hunafa*ᵓ,[15] comments about it by al-Qalqashandi here and there in his *Subh al-a*ᶜ*sha fi sina*ᶜ*at al-insha*ᵓ,[16] and in works on the *diwan*s (bureaus) by, among others, Ibn Mammati,[17] provide important information about the nature of offices of government but not necessarily a concept of public duty. As elsewhere in the Islamic world, a source that is often better and more useful is the decree of appointment that was typically issued when a new person assumed a particular position. Normally it stated formally what was expected, what qualifications were required, and what duties the office entailed. Would only that we still possessed a complete set of these diplomas of investiture, both over the entire course of this rule as well as for all positions under it at any given moment! Unfortunately, however, only a rare few of them survive, none an original but rather copies incorporated after the fact in works by later historians or in the manuals of chancery practice. Still the situation is not so hopeless as to suggest ignoring such documents because the evidence they provide in those cases where there exists such a copy can be especially useful. From one source or another, we have the complete text of at least five Fatimid appointments to the office of *wazir*, and one each for that of chief *qadi*, head of the *mazalim* (grievances) court, the *naqib al-ashraf* (head of the Aliid nobility), *amir* (leader) of the *hajj*, *amir* of the *jihad*, teacher in a *madrasa*, and a few others. There are two examples or more for the *hisba* (market supervision). Quite importantly, we have two also for the chief *da*ᶜ*i*. While these texts are too few to provide much data for a history of any given office under this dynasty, they nevertheless contain essential material for an analysis of the concept of public duty as it actually applied in real situations.

Thus the recovery of these texts wherever they may survive and then the cataloging of them by type of office and, when possible, by date is essential.[18] Typically when an appointment to office was made, the chancery was ordered to compose and execute a document suitable for the purpose at hand. Copies in a large and smaller format were made and they were either distributed to interested parties or were placed in the state archives, mainly the chancery's own archive, but also other bureaus of the government depending on what was appropriate for the particular office in question. Appointments to regional offices, as, for example, the governor or *qadi* of a district, seaport, or town, evidently required that some form of the decree of appointment go with the new appointee to his new location, perhaps simply for an additional public reading of the original copy but possibly more copies of it in a smaller format, easier to handle and transport. But even here, no copies survive as far as we can determine. The Fatimid archives are long gone, unfortunately.

Where copies exist they come exclusively from secondary contexts, not chancery originals. Some—a small number—were copied by the appointee

into a literary work of his. Several more found their way into a historical text, a chronicle such as Ibn al-Qalanisi's history of Damascus.[19] But the majority are now found in the great Mamluk chancery expert al-Qalqashandi's *Subh al-aʿsha fi sinaʿat al-inshaʾ*, a massive manual for clerks and secretaries in the Diwan al-Inshaʾ (the chancery). Although al-Qalqashandi wrote at the end of the fourteenth and the beginning of the fifteenth century (it was completed in 1412), he knew well the history of Islamic chanceries from the beginning to his time and he provides a thorough account of it, including an impressive array of examples from earlier periods, among them that of the Fatimids. He notes that the Fatimids were one of the first dynasties of Islam to develop on a major scale the chancery as a key bureau of government.

In fact it is almost certain that all examples of appointment decrees that we have are the product of a chancery, even those that were not included in al-Qalqashandi's collection. In part that may have aided their survival. The prime sources for these decrees were firstly manuals of chancery practice—ones like that of al-Qalqashandi but much earlier—and secondly collections of texts assembled by their authors who happened to be clerks or supervisors of the chancery. Many of the heads of the Fatimid chancery became famous for their epistolary skills and mastery of diplomatic rhetoric and style. Among the best examples of their art were many decrees of appointment. The most famous was al-Qadi al-Fadil,[20] who entered the chancery under the Fatimids and continued after them as chief secretary to the Ayyubid Salah al-Din. Quite a number of examples come from a manual of chancery practice written by its head, ʿAli b. Khalaf, in the 430s (1038–1048), 440s (1048–1058), and possibly later. His *Mawadd al-bayan*[21] was a major source of texts for al-Qalqashandi, who refers to it or its author over 150 times in his own *Subh al-aʿsha*ʾ. Another important manual of chancery practice under the Fatimids is *al-Qanun fi diwan al-rasaʿil (The Code of the Chancery)*[22] by Ibn al-Sayrafi, who was head of the *diwan al-inshaʾ* until his death in 1147.

The Duties of Public Office

Nearly all Fatimid decrees of this type contain statements about duties in a general manner.[23] They are thus common to the work of almost any office. It would be rare not to find some version of the command to "order the good and prohibit the bad," to fear God and rely on Him, or to treat the rich the same as the poor, the powerful as if they were weak, the weak as if they were powerful, elites like the masses, masses like the elites. All *qadi*s—presumably all—were carefully admonished to deal with the funds

of orphans in a proper manner (i.e., returning it to them in a timely fashion).[24] The clerks in the chancery merely had to invent slightly different ways of saying it for each subsequent occasion. But provisions of this kind are a generic component of such decrees and do not express a Fatimid trait or condition any more than the decrees issued by another dynasty. And for that reason this material is of much less interest.

In fact other portions of these decrees, not directly related to the statement of duties, have more interest. Normally they commence with a section praising God, followed by a paragraph invoking His blessings on the Prophet, on ᶜAli, and on the imams, and then a statement about the Commander of the Believers, who is the caliph-imam of the present, the one who issues the decree. The balance of the text covers the specifics of the position in question, the qualification of the person being appointed to it, and finally instructions on how to perform the job properly, that is, the duties entailed in it. For a governor of Alexandria, for example, there will be fulsome praise of the city and its importance. Most decrees laud the appointee by stating that the Commander of the Believers considered all his men and found that only he—the new office holder—had all the qualifications required. One qualification, curiously, cited specifically and quite often, is having come from a noble lineage. High lineage seems to be especially important for holding public responsibility. (Lineage was after all the key to Fatimid legitimacy itself.) The section containing instructions might have both those specific to the position and others that are more generally true of public office.

The wazir

The case of the *wazir* is especially interesting and important since it offers a clear example of the problem of how and under what circumstances the imam might choose to delegate his august authority—even a portion of it—to another person. The act of delegation—the very problem of why it might be necessary—was in part the subject matter of the document itself. The two earliest decrees insist, most significantly, on justifying the office of *wazir* and explaining the reason and precedent for it. The Fatimids in North Africa had appointed no *wazir*s and the notion of delegating that level of authority to a subordinate seemed not to have existed. But with al-Jarjaraᵓi the situation had changed radically. However, his decree (dated 418/1028) states quite clearly that *wazir*s are not and do not diminish the status of the caliph-imam. The one decree that lacks a name of the appointee carefully explains that it is God and God alone who requires no *wazir*. But humans do. If any one, they say, could have not needed a wazir, it would have been Moses. Nonetheless, it was he who asked God to appoint him a *wazir*–Aaron, his brother (per Qurᵓanic report). Muhammad's *wazir*

was ᶜAli. Thus two of the greatest prophets, men of the highest capacities and each exempt from even the possibility of error, found it useful to have a *wazir*.

Though Aaron and ᶜAli were ideal *wazir*s, the decree goes on to cite Joseph as the true model. His shepherding of the public welfare on behalf of the Pharaoh, especially of financial matters, is what the caliph expects of his new *wazir*.

The daᶜi

From the decree appointing al-Muᵓayyad to the post of chief *daᶜi* in 1058:[25]

> Take charge, with the resolution of someone like you, of what the Commander of the Believers has put you in charge of, someone like you whose resolutions are strong, whose foundation is well established. Dedicate the better part of your heart's devotion to fixing the corruption around it. Know that if you sense a slackening regarding the *shariᶜa* in someone among the Shiᶜa, efface his name from the register, cut him off from the *daᶜwa*.
>
> Organize the *daᶜi*s in the provinces in a manner to make the ranks of worship flourish and the flower-beds of giving and receiving of knowledge bloom. Appoint the strong, the trustworthy; beware of the weak, the treacherous. Give your attention to an earth that is shrinking from its borders and whose sides encompass desolation. Make them grow with the rain-water of your right guidance.
>
> Submit to the treasury what accumulates with you from the *fitr* tax, the alms tax.
>
> Consult the views of the wazir [here follows the name of the specific *wazir* of the time].

The mazalim

From the decree appointing Qadi al-Nuᶜman over the *mazalim* courts (954):

> The Commander of the Believers having observed your piety, fidelity to the faith, uprightness and commendable manner and being satisfied with the discharge of your judicial duties [in previous appointments], he now invests you with the absolute authority to look into the *mazalim*.
>
> Having also taken note of your true loyalty to the imams and your upholding of justice in your decisions, and having seen what tests and trials have revealed about you . . . the Commander of the Believers thinks it proper, in order to strengthen, buttress, reinforce and augment this appointment, to issue a public decree addressed to you so that the hopes of any who seek justice from you may be encouraged and those against whom your judgments might go will be filled with fear. The schemes of those who want to contravene justice by avoiding you and resorting to others may be frustrated.[26]

A professorship in Alexandria
From the permit to teach given to Ibn ʿAwf by the *wazir* Ridwan b. al-Walakhshi on behalf of the caliph al-Hafiz (ca. 532/1137):

> When the Commander of the Believers learned of the distinction of the port of Alexandria . . . beyond all other ports [. . .] and that it contained reciters, legal specialists and those attached to *ribat*s, devout people, he ordered the establishment of the Hafiziyya *madrasa* . . ., that cash and grain be released from his exchequer to be used for the provisioning of all and each one's needs [. . .]
>
> This *madrasa* is for you . . . Abu Tahir, because of your effectiveness, your knowledge and ability in *fiqh* [. . .] The Commander of the Believers has given orders that you teach the science of the law to those who desire to know it [. . .] His order for the writing of this decree was issued to support you, to strengthen your authority, and elevate your renown.
>
> So be devoutly obedient to God [. . .]
>
> Use absolute authority over your students and apportion it among them according to your own judgment; your observations will guide you. Associate with the ones whose manner pleases you and avoid the ones you disapprove of.[27]

These few examples drawn from actual Fatimid commissions illustrate what kinds of information they offer. The addition of yet others here is possible but gains us little. Most are like, and were surely copied from, models of such decrees used earlier and in other parts of the Islamic world. In that respect they suggest a concept of public duty that applied notions common right across the Islamic domain.

Conclusion

A review of the evidence supplied by these appointment decrees—those actually issued by the Fatimids—and by al-Naysaburi's work on the *daʿwa* and the *ʿahd* of ʿAli provides considerable material of a general kind, in the main consisting of pious admonitions and exhortations, along with a few warnings against evil and corruption. But little of it deals with the particulars of what it may have meant to hold office within the Shiʿi caliphate, as opposed to the holding of such a position in any Islamic government, Shiʿi or otherwise, of the time. In part that would have been expected. Fatimid decrees were nearly all composed by a chancery staffed, except rarely, by non-Ismaʿilis. A few of the better-known supervisors of that bureau were Christian, and many others Sunni. Its function was, moreover, to give a public voice to the administration and the Fatimids took special care to address their subjects as a whole by avoiding many issues

that would have singled out one faction over another, their own included. Most often proclamations by the imams employed a language designed for broad consumption.

Nevertheless, on the matter of the imamate and the overriding authority of that rank, there was little or no compromise. The one area of greatest contrast between Fatimid and non-Fatimid delineations of public duty is the appeal in the latter to observe and adhere to the prevailing consensus of the Islamic scholarly community, in other words to follow the lead of illustrious predecessors.[28] That provision is absent from Fatimid documents, which focus exclusively on the guidance of the imam. Thus the major difference and what distinguishes Fatimid doctrine from that of its rivals is its insistence on the pure and unshared authority of the living imam—an authority that is comprehensive for all aspects of Islamic law and practice, in fact for government and governing in every respect.

But such a position is less explicit in the evidence than it might have been. Having no wish to aggravate the situation with highly charged rhetoric, the Fatimids preferred a quieter approach, one that befitted a diverse population where the point was made by omitting a doctrine favored elsewhere, the net effect of which served, even so, to strengthen the authority and sole discretion of the imam. By not admitting any other, none could be cited or appealed to. An official within such an administration had no choice but to acknowledge the caliph's authority. Public responsibility involved less a duty to the community, either as an abstraction or as an actual society of citizens, than to the imam-caliph, who was its supreme head and its highest embodiment. The actions of a public official should reflect those of its leader, his wishes, and his alone.

Notes

1. On al-Mawardi and his *al-Ahkam* much has been written. See the article "al-Mawardi" in the *Encyclopaedia of Islam*, new edition, ed. H. Gibb et al. (Leiden, the Netherlands, and London, 1960–2000; henceforth referred to as *EI2*), 6:869. For a recent English translation, see that by Wafaa H. Wahba, *The Ordinances of Government* (Reading, UK, 1996).
2. Ed. by C. Schefer (Paris, 1891); Eng. trans. H. Darke (London, 1978). See also the article "Nizam al-Mulk," *EI2* 8: 69.
3. Al-Sahib ibn ʿAbbad, *Rasaʾil*, ed. Shawqi Dayf and ʿAbd al-Wahhab ʿAzzam (Cairo, 1947).
4. On the classical Islamic chancery and its practice, see the following: Walther Björkman, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten* (Hamburg, Germany, 1928); "Diplomatic, i. Classical Arabic," *EI2*, 2: 301; H. L. Gottschalk, "Diwan, ii. Egypt," *EI2*, 2: 323; art. "Inshaʾ," *EI2*, 3: 1244.

5. On this important Isma'ili *da*ᶜ*i*, whose career ran from about 1008 to 1021, see, as an introduction, my *Hamid al-Din al-Kirmani: Ismaili Thought in the Age of al-Hakim* (London, 1999) (Persian trans., Tehran, 2001; Arabic trans., Damascus, 2000).
6. On these two treatises see now my article, " 'In Praise of al-Hakim': Greek Elements in Isma'ili Writings on the Imamate," in *The Greek Strand in Islamic Political Thought: Proceedings of the Conference at the Institute for Advanced Study*, Princeton, NJ, June 16–27, 2003 (special issue of *Mélanges de l'Université Saint-Joseph*, ed. Emma Gannagé et al. 57 (2004): 367–392. A new edition of the *Ithbat al-imama* of al-Naysaburi with a complete translation by Arzina Lalani is forthcoming from the Institute of Ismaili Studies and I. B. Tauris. I have prepared a new edition of the Arabic of al-Kirmani's *Masabih* with a complete translation and that will also be published shortly by the institute and I. B. Tauris.
7. Arabic text, Qadi al-Nuᶜman, *Da*ᶜ*a*ᵓ*im al-Islam*, ed. A. A. A. Fyzee (Cairo, 1963), 1: 350–368; trans. Fyzee and I. Poonawala, *The Pillars of Islam* (New Delhi, 2002), 1: 436–456.
8. On this relationship and on many other details concerning this text (including references to older studies of it), see Wadad Qadi, "An Early Fatimid Political Document," *Studia Islamica* 48 (1978): 71–108.
9. This treatise is preserved in a late Yemeni Isma'ili work by Hatim b. Ibrahim al-Hamidi called "A Gift for Hearts and Good Cheer for Those in Distress" *(Tuhfat al-qulub wa furjat al-makrub).* An edition of the whole of this work by Abbas Hamdani with summary translation is forthcoming from the Institute of Ismaili Studies and I. B. Tauris. The same publishers will issue separately another edition of al-Naysaburi's treatise by Verena Klemm, with a complete translation by me.
10. In addition there is also from the late period a mirror for prince, the *Siraj al-muluk*, by the Andalusian scholar, transplanted to Egypt, al-Turtusi. This last work, as one might expect, is, however, quite Sunni. Though it was dedicated to the Fatimid *wazir* al-Bataᵓihi, it holds true to the non-Isma'ili doctrines of its Maliki author and cannot serve (and most likely was not intended) to define or directly influence Fatimid policy.
11. On the relationship between the *qadi* and the *da*ᶜ*i*, see my study "The Relationship between Chief Qadi and Chief *Da*ᶜ*i* under the Fatimids" in G. Kraemer and S. Schmidtke, ed. *Speaking for Islam: Religious Authorities in Muslim Societies* (Leiden, , 2006), 70–94.
12. The passages that follow are from my forthcoming translation. Since both the Arabic text and this translation are not yet available, it is difficult to give a more exact citation. The work itself is not divided into sections.
13. It could not have been, as some have argued, a mirror for a prince if by that is meant the Fatimid caliph. It is not directed at the imam but at his subordinate. That this version differs from that in the *Nahj al-balagha* also does not mean that one is necessarily earlier or that one was composed by another author.

Both may have been separately transmitted versions of a hadith that related a similar, though not precisely identical, text.

14. *Al-Khitat (al-maʿruf bi'l-mawaʿiz wa'l-iʿtibar bi-dhikr al-khitat wa'l-athar)*, 2 vols. (Bulaq, 1853), new edition by A. F. Sayyid, 5 vols. (London, 2002–2004).
15. *Ittiʿaz al-hunafaʾbi-akhbar al-aʾimma al-fatimiyyin al-khulafaʾ(Lessons for the True Believers in the History of the Fatimid Imams and Caliphs)*, vol. I, ed. J. al-Shayyal, and vols. II-III, ed. M. H. M. Ahmad (Cairo, 1967–1973).
16. Shihab al-Din Ahmad al-Qalqashandi, *Subh al-aʿsha fi sinaʿat al-inshaʾ (Dawning Light for the Night-Blind in the Art of Composition)* (Cairo, 1912–1938).
17. Ibn Mammati, *Kitab Qawanin al-dawawin*, ed. A. S. Atiya (Cairo, 1943); Eng. trans. Richard S. Cooper, "Ibn Mammati's Rules for the Ministries: Translation with Commentary of the Qawanin al-Dawanin," Ph.D. dissertation, University of California, Berkeley, 1973.
18. For some previous attempts, see the following studies: Jamal al-Din al-Shayyal, "The Fatimid Documents as a Source for the History of the Fatimids and Their Institutions," *Bulletin of the Faculty of Arts, Alexandria University* 8 (1954): 3–12; al-Shayyal, *Majmuʿat al-wathaʾiq al-fatimiyya/Corpus Documentorum Fatimicorum* (Cairo, 1958); S. M. Stern, *Fatimid Decrees: Original Documents from the Fatimid Chancery* (London, 1964).
19. Abu Yaʿla Hamza Ibn al-Qalanisi, *Dhayl taʾrikh Dimashq*, ed. H. F. Amedroz (Leiden, 1908).
20. On him see "al-Kadi al-Fadil," *EI2*, 4: 376.
21. What survives of this work has been published several times: ʿAli Ibn Khalaf, *Mawadd al-bayan*, published in fascimile (Frankfurt, 1986); edition by Hatim Salih al-Damin in *al-Mawrid*, vols. 17–19 (1988–1990); edition, Tripoli, Libya, 1984.
22. Abu' l-Qasim ʿAli Ibn al-Sayrafi, *al-Qanun diwan al-rasaʾil*, ed. Ayman Fuad Sayyid (Cairo, 1990); French trans. Massé, "Code de la chancellerie d'état," *BIFAO* 11 (1914): 65–120.
23. What follows here is provisional in that, for the present, it reflects only a limited sampling of this class of data.
24. That this provision is a standard feature of appointment decrees for the judiciary surely indicates that violations of the judge's responsibilities in this area were not infrequent. In fact we have several cases of Fatimid judges who fell victim to their own venality with respect to the funds of orphans.
25. Preserved in Idris ʿImad al-Din, *ʿUyun al-akhbar*, ed. A. F. Sayyid (London, 2002), 7: 79–82; see text and translation in Tahera Qutbuddin, *Al-Muʾayyad al-Shirazi and Fatimid Daʿwa Poetry* (Leiden, , 2005), 374–381.
26. Qadi al-Nuʿman, *Ikhtilaf usul al-madhahib*, 47–48; adapted here from Poonawala's translation of this passage in his editor's introduction to *The Pillars of Islam*, 1: xxviii.

27. Adapted from the translation by Gary Leiser in "The Restoration of Sunnism in Egypt: Madrasas and Mudarrisun 495–647/1101–1249," Ph.D. dissertation, University of Pennsylvania, 1976, 435–438.
28. A good example of the Abbasid (or other Sunni) type is the commission (*ʿahd*) composed by Ibn ʿAbbad in the name of Muʾayyad al-Dawla appointing ʿAbd al-Jabbar *qadi al-qudat* of Rayy in 977, which explicitly cites the *ijmaʾ* (consensus) and "the statements of the famous predecessors and well regarded scholars of the community" as guides to the law as material on which the judge should rely (*Rasaʾil*, 35–36).

6

Ibn Taymiyya on Islamic Governance

Banan Malkawi and Tamara Sonn

Introduction

Ibn Taymiyya, the renowned medieval Hanbali jurist (d. 1328), is not an easy person to pigeonhole, although many have tried. Fazlur Rahman noted as far back as 1979 that Ibn Taymiyya had become the hero of reform movements "of various shades"—from conservative to progressive.[1] Commenting on modern scholars' interpretations of Ibn Taymiyya's political views, Mona Hassan recently noted that Ibn Taymiyya "has been subject to multiple, and even conflicting interpretations."[2] While those who call on reviving *ijtihad* ("independent reasoning") today look to him for encouragement to distinguish between divine law and human interpretations that may be revised in accordance with the needs of the times, some militants advocating violent *jihad* find in his work encouragement for war against those deemed enemies of true Islam.

Identifying the core positions of Ibn Taymiyya is admittedly challenging. He was a highly opinionated and prolific scholar who lived in a period of political turmoil. The ʿAbbasid caliphate had been all but destroyed by the Mongols just before his birth, leaving Baghdad and its environs under the domination of rulers whom he considered foreign invaders—despite the fact that the Persia-based Ilkhans identified themselves as Muslims. The other major powers in the region were the Egypt-based Mamluks, with whom the surviving ʿAbbasids had taken refuge. The Mamluks were accepted as Muslims but not as caliphs. Although the political solidarity of the Muslim world had long since disappeared, the caliphate had symbolized a kind of communal identity at least among Sunnis.[3] Its demise

undoubtedly raised profound questions not only about the identity of the Muslim community but also about the very nature of leadership and political authority in the Muslim world.

As a major legal authority, Ibn Taymiyya addressed questions on these and a broad range of other, related and unrelated issues. Often the diverse and even contradictory interpretations of Ibn Taymiyya result from selective readings of his works, which reflect the complexity of the times in which he lived. This chapter does not attempt a definitive analysis of his views, but presents an overview of his perspectives on Islamic governance that seeks to avoid the pitfalls of selective reading. It demonstrates that when read as a comprehensive whole, Ibn Taymiyya's works are actually quite systematic and consistent. In the process, this chapter shows that while Ibn Taymiyya's views on some subjects—such as Qur'anic hermeneutics[4] and *ijtihad*[5]—may be considered idiosyncratic, his views on governance are neither innovative nor excessively traditional. In fact, they may well provide a solid platform for constructing modes of governance that satisfy both traditional and modern needs.[6]

The Need for Governance

Ibn Taymiyya was not a revolutionary. He was convinced that human beings need strong, stable governance on the basic premise that we are social creatures and that our needs cannot be met except in cooperation with others. Social order is indispensable for the realization of the good of humanity. In *al-Hisba fi 'l-Islam*, he states:

> All children of Adam need, for the perfection of their welfare in this world and the next, society, mutual aid, and mutual assistance, both to produce benefits and to ward off injuries. For this reason man is said to be civil by nature. Now when [people] group together there must be some things they have to do to procure their welfare and some they have to avoid as being harmful, and they will be obedient to one who ordains those desirable objects and proscribes what is injurious.[7]

Ibn Taymiyya believes that all communities, Muslim as well as those that did not receive divine scriptures, naturally congregate in groups and should obey rulers insofar as obedience is conducive to their welfare.[8] For the benefit of all members of a community, coercive power *(quwwa)* and authority *(imara)* are needed to maintain order, resolve disputes, and safeguard society from invasions and anarchy. That is why the Prophet Muhammad ordered his people to set up authority among themselves and obey the officials who administer their affairs. In case his readers doubt this

explanation, Ibn Taymiyya also cites the hadith "If three of you go out on a journey, appoint a leader from among you and obey him." Ibn Taymiyya further asserts in his *al-Siyasa al-Shar'iyya* that if the Prophet has made it obligatory to establish leadership and authority on the smallest social groups, even if it is temporary, then surely it is incumbent on larger and more permanent communities.[9]

In addition to governance being a generic human need, for Muslims it is even more important because of the purpose for which the *umma* (Muslim community) was created. Ibn Taymiyya says it was created with a specific purpose—to establish justice—despite tendencies that pull people in the opposite direction, that is, toward selfishness, greed, caprice *(hawwa')*, et cetera. The role of governance is to help minimize the negative effects of human passions and maximize people's positive inclinations. Humans were created as stewards *(khulafa')* of the earth, charged with safeguarding the equality with which all were created. He cites the following hadith as a proof-text:

> All of you are shepherds and all of you are responsible for your flocks. The imam who rules the people is a shepherd and is responsible for whom he governs. The woman is a shepherdess in her husband's house, and she is responsible for the household. The son is a shepherd vis-à-vis his father's money and is responsible for it. The servant is, likewise, a shepherd with regard to his master's wealth and is deemed responsible for it. Verily, all of you are shepherds and all of you are responsible for your flocks.[10]

Those who have received divine guidance have a special responsibility to exercise this stewardship and God has sent divine guidance in the form of revelation to assist in this task. Ibn Taymiyya invokes a specific Qur'anic verse to support his view: "We sent aforetime Our messengers with clear signs and sent down with them the Book and the balance (of right and wrong), that people may stand forth in justice; And We sent down iron, in which is material for punishment, as well as many benefits for humanity . . ."[11]

Ibn Taymiyya interprets "iron" as a symbol for the coercive power of government, necessary to enforce divinely mandated law and protect the Muslim community.

Governance Is a Communal Enterprise

For Ibn Taymiyya, obedience to those in authority is a corollary of the need for governance. He notes, in fact, that the Qur'an made obedience to political authority a general rule:

> God does command you to render back your trusts to those to whom they are due; and when you judge between people that you judge with justice: verily how excellent is the teaching which He gives you! For God is He who hears and sees all things. O you who believe! Obey God, and obey the Messenger, and those charged with authority among you . . .”[12]

Despite this insistence on obedience to political authority, Ibn Taymiyya does not present Islamic governance as autocratic. Instead, he describes the relationship between rulers and ruled as reciprocal—like a contract *(sharaka)* whereby the affairs of society are entrusted to the rulers in return for obedience.[13] As in a contract between business partners, each partner in governance *(wilaya)*—ruler and ruled—has the right to expect the other to conduct the affairs of the contract in a way that is beneficial to both parties.

The rulers and the ruled thus have mutual obligations, and Ibn Taymiyya encourages mutual respect between them. In fact, he considers the relationship between them as an indicator of the stability and well-being of the state and society. If the subjects respect the rulers and are satisfied with them, they are less likely to rebel against them. In return, when the rulers respect and tend to their subject’s needs, they secure their authority and enjoy obedience from their subjects. The Prophet himself is reported to have encouraged such an exchange of good feelings. According to a hadith the Prophet said, “The best among your rulers are those whom you love, and they love you; whom you pray for and they pray for you. And the worst of your rulers are those whom you hate, and they hate you; whom you curse and they curse you . . .”[14]

So for Ibn Taymiyya, governance is necessary given the social nature of human beings and the purpose for which they were created. Establishing effective governance therefore becomes an obligation *(fard)* for him. But it is a special kind of duty known in Islamic law as “collective” *(fard kifaya):* not everyone in the community is required to participate in governance, but enough people must undertake the responsibility so that the community’s needs are met, and each must contribute to the extent of her/his capabilities.[15]

How can each person contribute? Each of us has specific duties in life, the fulfillment of which is essential for the proper functioning of society. Whether one is in a position of authority, a laborer, a teacher, or a parent, fulfillment of our responsibilities contributes to the well-being of the community as a whole. But besides that, each of us can help those around us follow the right path by offering wise counsel or advice. Thus Ibn Taymiyya takes the “collective” part of *fard kifaya* quite seriously. Governance is not just what the officials do; even those without official positions are enjoined to give good counsel in accordance with the Qur’anic mandate: *al-amr*

bi'l-ma'ruf wa'l-nahi 'an al-munkar (commanding what is good and prohibiting what is unlawful). Offering advice is therefore an integral part of one's obligations as a Muslim. To emphasize his point, Ibn Taymiyya cites a hadith according to which the verse commanding believers to give good counsel constitutes one-third of the Qur'an's message.[16]

It is important to note that enjoining or commanding the good does not mean for Ibn Taymiyya forcing people to behave righteously; he remarks that even the prophets had not resorted to such measures. What is required instead is the promotion of an environment which enables people to live righteously. Those who choose not to follow the righteous path alone bear the responsibility and consequences of their actions, not others. In order to corroborate his position, Ibn Taymiyya invokes another hadith, which states "Whoever of you sees wrong being committed, let him change it with his hand. If he is unable to do so, then [let him change it] with his tongue. If he cannot do that, then [let him change it] with his heart."[17]

The Role of Scholars

The collective nature of the obligation to establish effective governance explains why Ibn Taymiyya addresses his major work on Islamic governance, *al-Siyasa al-Shar'iyya*, to both the rulers and the ruled. Ibn Taymiyya actually introduces *al-Siyasa al-Shar'iyya* as a short epistle on the principles of divinely guided governance and prophetic council that are essential for both the rulers and the ruled. More specifically, in his introduction, he states that this book is written as advice to those in authority *(wulat al-umur)*, to help guide them in fulfilling the purposes of Islamic governance. In giving advice, Ibn Taymiyya says he himself is following the saying of the Prophet, "God is pleased to see you comply with three rules: To worship Him and associate with Him no other, to hold fast by the covenant of God all together and do not disunite, and to give good counsel to whom God has given authority over you."[18]

All members of the community are obligated to, at the very least, offer advice or good counsel to the extent and in the environment in which they are able. Scholars however have a special responsibility for advising the government for the following reason: an Islamic government is one that is ruled by the Shari'a, asserts Ibn Taymiyya, but the Shari'a does not provide details on all specific cases. In cases not specifically detailed in the Shari'a, the rulers must consult with the experts in Islam—the scholars *('ulama')*.

Ibn Taymiyya notes that the model for consultative governance was provided by the Prophet Muhammad.[19] The Prophet was considered infallible in what he conveyed from God, but not in matters on which the Qur'an

is silent. The Prophet often consulted with his companions in matters on which he had no specific instructions and where he found such consultation conducive to the overall benefit of his community. Such consultation was in accordance with the Qur'anic directives. In a full chapter entitled *Shura* (Consultation), the Qur'an praises "those who harken to their Lord, and establish regular prayer, who conduct their affairs by mutual consultation."[20] The Qur'an records that God commanded even the Prophet to consult his people: "So pass over their faults, and ask for God's forgiveness for them and consult them in affairs."[21]

Not surprisingly, then, Ibn Taymiyya devotes an entire chapter to consultation *(mushawara)* in *al-Siyasa al-Shar'iyya.* He does not focus on the specific form this consultation should take, but rather on the role of the scholars in discharging this responsibility. So important is their role in Islamic governance that Ibn Taymiyya puts them in the same category as the rulers: *wulat al-umur* ("those who wield authority"). And again, this obligation is reciprocal: the *'ulama'* (scholars) and the *umara'* (rulers) have obligations toward each other, he stresses. The *'ulama'* are obligated to offer effective advice *(nasiha)* to the rulers and to make sure that their governance does not violate the precepts of the Shari'a. On their part, the *umara'* are obligated to consult with the *'ulama'* and to seek their advice. When the scholars' advice is in accord with the Qur'an and the Sunna, which Ibn Taymiyya regards as essential, the rulers are obligated to follow their advice. Ibn Taymiyya explains, "If rulers consult the *'ulama'* and they reveal to the rulers what should be followed in accordance with the Qur'an, the Sunna of His Prophet, or the consensus of the Muslims, then the rulers must comply with it."[22] In other words, Ibn Taymiyya considers the opinions of scholars as not merely advisory *(mu'lima)* but also enforceable *(mulzima)*.

Creating and Governing a Righteous Society

Ibn Taymiyya believes that the well-being of society is dependent on the conduct of the *wulat al-umur*, both the rulers and the scholars, in administering people's affairs. That is why he says, "If the *umara'* and the *'ulama'* are righteous, the masses will also be righteous."[23] What are the characteristics of a righteous society? Among actions that constitute righteousness, Ibn Taymiyya includes patience in carrying out God's commands, speaking the truth, keeping trusts, fulfilling promises, good behavior toward parents, kindness to relatives and maintaining family ties, generosity toward family, friends, servants, neighbors, orphans, the poor, and stranded travelers, as well as magnanimity toward those who are less than civil and forbearance

under oppression. Righteousness, in fact, amounts to all that is favorable to God. He supports this opinion with the following verse from the Qur'an:

> It is not righteousness that you turn your faces towards East or West; but it is righteousness to believe in God, the Last Day, the angels, scripture, and the messengers, to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity, to fulfill the contracts which you have made; and to be firm and patient, in pain [or suffering] and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing.[24]

In other words, a righteous society is a just society and vice versa:

> This is generally self-evident, unanimously accepted by all the Muslims: that justice may consist in fulfilling an obligation, or in avoiding something unlawful, or in a combination of the two; and that injustice also may consist in neglecting an obligation, or in doing something unlawful, or in the combination of the two . . . all good deeds are included in justice, and all bad deeds are included in injustice.[25]

But Ibn Taymiyya does not go into great detail regarding the specific form an Islamic government should take. He often uses *khilafa* (caliphate) as a generic term for Islamic governance, but he also uses other terms, such as *imama* (imamate) and *wilaya* (governance), as well as derivatives of those terms. The word *wali* (from the same root as *wilaya*), for example, was commonly used to mean the governor of a specific region, such as the designation of 'Amr ibn al-'As as the *wali* of Egypt. Ibn Taymiyya uses the term in the general sense of responsible position,[26] and uses the related term *wulat al-umur* to refer to any individuals with the responsibility of administering authority at any level. He includes in *wulat al-umur* the head of state and all the subordinate offices of the viceroys in the provinces, as well as judges, commanders of armies, viziers, scribes, accountants, collectors of taxes, intelligence officers, guards, and even the blacksmiths who keep the keys of the gates of the castles and cities. He further includes those who call people to prayer, readers of the Qur'an, teachers, notables of tribes, and the heads of villages. According to him, anyone who fulfills a public function is a person of authority *(wali)* within his/her domain.[27]

In his major work on order in the marketplace, *al-Hisba fi 'l-Islam*, Ibn Taymiyya explains that the specific features of the various positions of authority are not defined in law but rather depend on verbal usages, circumstances, and customs.[28] Historically, he notes, these positions often emerged, changed, or were revised by subsequent rulers. What is essential

about them, in Ibn Taymiyya's view, is recognition that *wilaya* is a trusteeship. This trust *(amana)* becomes a liability on rulers for they will be held responsible for their appointees. As he explains:

> It is indicated by the traditions related from the Messenger of God, peace be upon him, that [*wilaya*] is a trust that should be fulfilled . . . like his saying to Abu Dharr, may God be pleased with him, "Public office (*al-imara*) is a trust which on the Day of Judgment shall turn into disgrace and regret except for those who acquire such office properly and then fulfill the obligations that it lays upon them."[29]

Once again, the trust that is to be fulfilled is upholding justice. That is why Ibn Taymiyya considers *wulat al-umur as* "vicegerents [*nuwwab*] of God appointed to rule over the community (*umma*), and as trustees [*wukala'*] of the people themselves to protect their interests."[30] He invokes the following Qur'anic verse as a proof-text to support this view: "God said to David, 'O David, We did indeed make you a vicegerent on earth, so judge between people in truth and justice.' "[31]

What Should People Do When Governments Are Unjust?

As the discussion above demonstrates, governance is all about justice in Ibn Taymiyya's view. He cites in particular two reported sayings of the Prophet: "The most beloved of all to God is the ruler who is just, and the most detestable of all to him is the ruler who is unjust" and "One day of a just imam is better than sixty years of worship."[32] In fact, he says that a just state will be protected by God even if it is not Muslim, and an unjust state—even if it calls itself Muslim—will not survive.

But in reality not all rulers are just, and for Ibn Taymiyya that is not surprising. He cites a hadith of the Prophet predicting it: "You will see after me much injustice and despotism that you will condemn." Then what should they do, was what the Prophet's companions asked. The Prophet replied, "Pay to them what is their right; God will call them to account for everything He has entrusted to them."[33] What is noteworthy, and certainly consistent with Ibn Taymiyya's insistence on the need for governance, is that he did not call for rebellion even in the face of injustice. At numerous places throughout his writings, he stresses the need for patience and forbearance in the face of a ruler's injustice.

But what if the ruler commands others to commit injustice? In that case, Ibn Taymiyya advises civil disobedience rather than revolution. He notes that obedience is due first and foremost to God and the Prophet. The rulers should only be obeyed if their commands are in accordance

with the Qur'an and the Sunna; obedience to the rulers is not absolute. Ibn Taymiyya quotes the hadith "There is no obedience for any created being in a matter that constitutes disobedience to the Creator."[34] When the rulers' commands are in accordance with the Shari'a, they must be obeyed. Ibn Taymiyya explains that since many verses in the Qur'an and numerous sayings of the Prophet require obedience to the rulers, people's obedience to the rulers is really obedience to God and the Prophet, just as their disobedience of the rulers is disobedience of God and the Prophet. He says that if a command is not known to violate the commands of God and the Prophet and is conducive to the well-being of society, then it must be obeyed. However, if a ruler's command is known to violate the commands of God and the Prophet, then both the ruler and anyone who obeys the command are sinning against God. So instead of obeying, people should try to correct the rulers through advice. If they cannot correct the ruler, then at least they should refrain from obeying. Even the Prophet's companions, who are viewed as the most righteous and closest to him, admitted their human limitations. Abu Bakr, upon being elected caliph, is reported to have said to his subjects, "Obey me so long as I obey God. The moment I disobey God, you no longer owe me obedience."[35]

Again, Ibn Taymiyya stresses that if the rulers' commands are not in accordance with the Shari'a, then they must be disobeyed, for compliance with such commands constitutes disobedience to God. However, it should be noted that while Ibn Taymiyya here is encouraging disobedience in matters that violate the Shari'a, he is not advocating rebellion against sinful or unjust rulers. He supports this notion with the saying of the eponymous founder of his school of legal thought, Ahmad ibn Hanbal, "You should obey the government and not rebel against it. If the ruler orders something that implies sin against God *(ma'siya)*, you should neither obey nor rebel. Do not support the *fitna* (strife), neither by your hand nor by your tongue."[36] In disobeying and condemning a deviant command, people may be punished and imprisoned by the rulers for it. But Ibn Taymiyya maintains that the punishment for disobeying a ruler's command, even if it means death, weighs less than disobeying God's command. He emphasizes that disobedience of sinful commands will be rewarded by God, and that divine reward is incomparable to any reward a person may earn from a ruler in obeying a deviant command. In a passage from *al-Hisba fi 'l-Islam*, he states,

> The affairs of [people] in this world can be kept in order with justice and certain connivance in sin, better than with pious tyranny. This is why it has been said that God upholds the just state even if it is unbelieving, but does not uphold the unjust state even if it is Muslim. It is also said that the world

> can endure with justice and unbelief, but not with injustice and Islam [. . .] The reason for all this is that justice is the universal order of things. So when worldly administration is just, it works, even if the [person] in charge has no share in the rewards of the Hereafter.[37]

There is only one context in which rebellion against the ruler is sanctioned by Ibn Taymiyya. Ibn Taymiyya distinguishes between an Islamic government that upholds the Shari'a, yet may be oppressive, and a government that makes it impossible for believers to live in accordance with the Shari'a. His position on the latter is clear; a government that prevents people from fulfilling the obligations of the Shari'a has forfeited its legitimacy. Revolution against it is permissible. Is it required? Ibn Taymiyya answers: only if the potential good that will be achieved by the rebellion outweighs the harm that it will inevitably cause. And if carrying out rebellion—or, as he puts it, absolute insistence on enjoining good and forbidding evil—would result in more harm than good, then not only is it not required, it is forbidden.[38]

The Mongol regime under which Ibn Taymiyya lived was a case in point. Despite their profession of Islam, Ibn Taymiyya believed that their governance did not uphold Islamic law and made it impossible for the Muslim community to carry out its religious obligations. It therefore constituted such a grave threat to the *umma*, which reflected most obviously in their failure to protect Muslims' lives and property, that the disruption resulting from rebellion would be outweighed by the benefit to society of overthrowing them. It was therefore obligatory to fight them.

But short of such an extreme case, patience and forbearance in the face of unjust rule is required. Ibn Taymiyya argues that this was the criterion employed by the Prophet in abstaining from fighting 'Abdullah ibn Ubayy and others among the Medinan Hypocrites who disobeyed him. He maintains that the Prophet in doing so tolerated some evil in order to secure the greater good. He adds that history has proven that it has seldom happened that deposing a ruler has brought more good for society than harm.[39]

The term Ibn Taymiyya uses to describe the prohibition of rebellion that results in greater harm than good is *haram*, the category of actions that are absolutely forbidden rather than simply discouraged *(makruh)*. By contrast, measuring actions by the criterion of what benefits society most is obligatory *(wajib)*, not just recommended *(mustahabb)*.[40] As Ibn Taymiyya describes forbearance in the face of injustice as a manifestation of loyalty to the community, we once again observe his focus on the welfare of the community, which inevitably takes precedence over the desire to rebel against its rulers.

Conclusion

In *Sleeping with the Devil: How Washington Sold Our Soul for Saudi Crude*, former CIA officer Robert Baer informed readers that Ibn Taymiyya had planted "the malignant seeds" that grew into contemporary radical Islam, and that his "fingerprints were all over September 11, too."[41] In fact, wherever Ibn Taymiyya is being cited, Baer seems to believe, there one can find radicals. "Radical" is not the first adjective that comes to mind when one thinks of the scholar Fazlur Rahman, for example, who mentioned Ibn Taymiyya in practically everything he wrote. ("Modernist" is the usual label for Rahman, although he has been characterized as a moderate, a progressive, and even a closet secularist, as well—but never a radical.)

Still, there are portions of Ibn Taymiyya's works that can be construed as inciting radicalism. As Rudolph Peters, Richard Bonney, Johannes Jansen, and others have documented, at times he valorized military *jihad* as the greatest expression of faith and the surest route to happiness, rejecting the hadith that claimed military jihad was less noble than the struggle to control one's baser instincts; he encouraged *jihad* against the Mongols and against Christian communities that he believed collaborated with the Crusaders and/or Mongol invaders; he condemned as apostates those Muslims who did not fight against the Mongol regime, on account of its substitution of Mongol law for Islamic law, the very foundation of Islamic life; and, in the process, he provided the inspiration for contemporary militants who think they have the right to declare an avowed Muslim an apostate deserving of death.[42]

No doubt some people do take Ibn Taymiyya's arguments in favor of violence and revolution as general principles. But placed in the context of Ibn Taymiyya's tumultuous life, and viewed from the perspective of his overall theories of governance, his views on jihad and *takfir* (declaring a professed Muslim to be an apostate) can better be understood as pertaining to the specific circumstances being addressed.

Ibn Taymiyya stresses that God is the ultimate sovereign and source of authority in an Islamic state. He cites the Qur'anic verses:

> To God belongs the dominion of the heavens and the earth; and God has power over all things.[43]

He also notes that God delegates power to certain human beings to be entrusted with the affairs of the people:

> Say: "Oh God! Lord of Power (and rule), You give power to whom You please, and You strip off power from whom You please. You imbue with

> honor whom You please, and You bring low whom You please: In Your hand is all good. Verily over all things You have power."[44]

But that authority is not absolute. God delegates authority to rulers in the sense of contracted labor *(ijara)*. Ibn Taymiyya refers to the incident where Abu Muslim al-Khawlani (d. 684), a prominent Syrian member of the community of Muslims born after the death of Prophet Muhammad, greeted the Umayyad caliph Mu'awiya (d. 680), saying "Peace be upon you, O hired hand *(ajir)*," and then added, "You are a hired hand whom the Lord of this flock has hired to look after it."[45] The medium through which divine authority is delegated to humans is limited and defined by the Shari'a, and is discussed under the rubric of *wilaya*.

Government is necessary, but the responsibilities of governance are collective and should be conducted through consultation. All members of the community are called upon to uphold their responsibilities and to call others to righteousness, correcting injustices when they can, and bearing them with patience when they cannot, he stresses.

Ibn Taymiyya admittedly condemns some Christians and some people he considers to be false Muslims for the wrong that they do , but he also insists that a society ruled with justice—even if it is not Muslim—is preferable to a society that calls itself Muslim but does not achieve the ultimate goal of Islamic law: justice. In some cases he encourages fighting, but in most cases he condemns it because it would cause more harm to the community than good. These views are hardly those of a radical. Ibn Taymiyya argues, based on both revelation and reason, that societies need governance, and that the establishment of governance in accordance with the Shari'a is essential for both the preservation of religion and the administration of the worldly affairs of society. This reflects the overall purposes of the Shari'a—to protect the rights of God, to protect the rights of His creatures on earth, and, in the process, to provide for their happiness in the Hereafter. His political thought thus focuses on the general themes that characterize Islamic governance. The community has the right to expect good governance and the government has the right to expect obedience and loyalty. Ibn Taymiyya therefore stresses solidarity among all levels of the community in the effort to improve both the worldly and religious conditions. From the head of state, viziers, and military forces to the teachers, shopkeepers, and parents, everyone has obligations, and all should attend to their obligations to the best of their ability. Ibn Taymiyya emphasizes that with cooperation, solidarity, and loyalty, the affairs of religion, state, and society will be improved. He recognizes especially the need for cooperation between the '*ulama*' and the rulers, arguing that if the Shari'a is to be

implemented properly, an effective cooperation between the *'ulama'* and the *umara'* is needed.

This perspective brings into relief several unique aspects of Islamic governance in the works of Ibn Taymiyya. First, to put the issues in modern terms, the necessity of a system of governance in order to implement the Shari'a clearly establishes the criterion of legitimacy for an Islamic government. The government's primary responsibility is to implement the Shari'a for the good of society. Guided by the Shari'a, society enjoins what is good and forbids what is unlawful, carries out its rights and responsibilities in accordance with the Qur'an and the Sunna, and protects the rights of both people and God. In light of this dual purpose of Islamic law, Muslim scholars often claim that there is no separation between religion and state in an ideal Islamic system of governance. But, as this discussion reveals, that claim does not mean that government and religious officials are one and the same. Rather, it means that religion and state are governed in accordance with the same values *as* expressed in the Shari'a. Indeed, Ibn Taymiyya distinguished clearly between political officials who implement the law and religious scholars who articulate the law. He argued that these two "branches" should cooperate in their overall shared task. In this sense, the state can be regarded as an agent, or an instrument of religion. But since law is the vehicle of expression of religious values, duties, rights, and responsibilities, law can also be viewed as the basis of political legitimacy in Ibn Taymiyya's view. That is, a government cannot be identified as truly Islamic unless it implements Islamic law, and, reciprocally, to the extent that a government implements law that is recognized as Islamic, it can be recognized as legitimate.

A careful study of Ibn Taymiyya's treatment of Islamic governance reveals a unique approach to political responsibility. He argues that establishing Islamic governance is a collective or communal duty for Muslims, and the responsibility for carrying out the goals of Islamic governance therefore does not rest entirely on government officials. Commanding what God commands and prohibiting what God prohibits, according to Ibn Taymiyya, are the ultimate responsibilities of not only the state, but also of all capable Muslims, who must carry out the responsibility to the best of their capabilities in their respective realms. The state is entrusted by the community with the duty of implementing the commands and the prohibitions. But if the state fails to do so, the duty becomes an individual responsibility for every able person according to his or her ability. Ibn Taymiyya supports this view with the Qur'anic verse "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity."[46] Ibn

Taymiyya's description of the consultative nature of governance and of collective responsibility shares obvious features with modern notions of democratic governance.

In this context, perhaps the most unique aspect of Islamic governance comes to light—the role of scholars. Again, given the collective responsibility for governance, Ibn Taymiyya stresses the obligation of rulers to seek advice and rule consultatively, and the responsibility of community members, especially scholars, to provide such advice and consultation. Ibn Taymiyya stresses this point, quoting the hadith according to which the Prophet said "Religion is good counsel. Religion is good counsel. Religion is good counsel." When asked "To whom, O Messenger of God?" He replied "To God, to His Book, to His messenger, and to the leaders of the Muslims and to the common people among you."[47] Ibn Taymiyya insists that ultimate authority abides in the rulers. He says that in matters where there is disagreement among the scholars, the ruler must seek the opinion of everyone (or at least representatives of the different schools of thought), and choose the opinion that lies closest to the teachings of the Qur'an and the Sunna. Again, he cites the Qur'an: "O ye who believe! Obey God, and obey the Messenger, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Messenger . . ."[48] The vehicle of such advice is *fatwa*s or legal opinions *(fatawa)* promulgated by scholars and based on their knowledge of the Qur'an and the Sunna. Although they are advisory in nature, *fatwa*s are traditionally influential among both the rulers and the ruled, often influencing the direction of political affairs. The impact of Ibn Taymiyya's own legal opinions is a good example. Ibn Taymiyya's frequent advice to Sultan al-Nasir ibn Qalawun (d. 1341) resulted in the latter's reformation of many aspects of his governance, including the reduction and abolition of several discretionary taxes.[49] His *fatwa*s on obedience and non-rebellion against Muslim rulers facilitated the maintenance of order within the Mamluk realm. Despite the fact that Mamluk rulers occasionally violated the Shari'a, Ibn Taymiyya denounced rebellion against them because he held that the harm that would result from their overthrow would outweigh the benefit. Nevertheless, he emphasizes the necessity for the *'ulama'* to inform the rulers of their deviations from the ideals, quoting the saying of the Prophet: "The utmost *jihad* is expressing the word of truth to an unjust ruler."

In assessing Ibn Taymiyya's views today, it is critical to recognize two further points. First, Ibn Taymiyya uses the term *'ulama'* to refer to religious scholars, regardless of their legal sect or doctrinal affiliation. Although he was famously anti-Shi'i in the specific context in which he lived (largely as a result of alleged Shi'i collusion with Mongols), he rejected sectarianism in theory. Further, the rulers' obligation to consult scholars

extends to all those with specialized knowledge, not just scholars of religion. Ibn Taymiyya advises governments to consult with all those who can provide objective opinions, such as experts in agriculture, economics, and stratagems of war. Ibn Taymiyya says, "If the ruler holds counsel with those of knowledge and those of piety, he would unite the advantages of science and religion."[50]

Modern (postcolonial) countries struggling to establish governments that are both effective and Islamic may find these unique aspects of Ibn Taymiyya's thought instructive:

- Political legitimacy is a function, not of the form of government as such, but of the legal system being implemented. If the legal system is not Islamic, which, in Ibn Taymiyya's view, means that it fails to establish justice and to protect the rights of God and of human beings, then the government is not legitimate.
- Political responsibility rests not solely with the rulers but with the community as a whole, which must provide advice to the government.
- Scholars have a special responsibility in this regard, and, although they lack coercive power, they retain the moral authority to enjoin obedience or disobedience to government directives.
- The class of scholars refers primarily to religious authorities but it can be extended to everyone whose expertise in specialized fields might be beneficial to good governance and promoting the well-being of society.

Whether or not these elements of Islamic governance are directly applicable to modern states is open to debate, of course. The concept of political legitimacy, for example—the basis upon which a government is authorized to rule—is a modern one and, it should be noted, a contested one. (For example, modern thinkers disagree upon the locus of sovereignty—whether it is vested in the ruler, the state, the citizens, or the legislature; whether it is unitary or can be shared; and whether its source is human or divine.) Not surprisingly, we do not find political legitimacy specifically addressed by Ibn Taymiyya. Nevertheless, as this discussion demonstrates, it is certainly possible to identify criteria for developing the modern concepts of Islamic political legitimacy in the works of Ibn Taymiyya. Further, his views on the consultative nature of governance, the shared responsibility of the community to give good counsel, the special responsibility of experts to contribute to the welfare of the community, and the priority of loyalty to the community rather than to the government provide fertile ground for discussions of limited, constitutional, and representative

governance. At the very least, his advocacy of contractual and consultative governance and prohibition of rebellion except in the most extreme cases calls into question the characterization of his political thought as radical.

Notes

1. Fazlur Rahman, *Islam* (Chicago and London, 1979), 115.
2. Mona Hassan, "Modern Interpretations and Misinterpretations of a Medieval Scholar: Apprehending the Political Thought of Ibn Taymiyya" in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Shahab Ahmed (Oxford, 2010), 351.
3. See Reuven Amitai-Preiss, *Mongols and Mamluks: The Mamluk – Ilkhanid War, 1260–1281* (Cambridge, UK: Cambridge University Press, 2005), for an excellent study of the transition from nominally unified caliphal rule to the rise of regional powers.
4. See Walid A. Saleh's excellent analysis "Ibn Taymiyya and the Rise of Radical Hermeneutics: An Analysis of *An Introduction to the Foundations of Qur'anic Exegesis*" in *Ibn Taymiyya and His Times*, 123–162.
5. See Fazlur Rahman's classic analysis in *Islam*.
6. We will base our analysis on a broad range of Ibn Taymiyya's works, including his major works *Minhaj al-sunna al-nabawiyya fi naqd kalam al-shi'a wal-qadariyya* ("Using the Prophetic way in refuting the Shi'i and Qadariyyya theology"), in which Ibn Taymiyya defends the Sunni concept of caliphate as against the Shi'i concept of imamate; *al-Hisba fi 'l-Islam* ("Market supervision in Islam"); and *al-Siyasa al-shar'iyya fi islah al-ra'i wa'l-ra'iyya* ("Shari'a-based governance for the [guidance] of the rulers and the ruled"), where he deals with the nature, structure, and administration of Islamic governance from a practical angle; as well as his *fatwa*s, particularly *al-Amr bi 'l-ma'ruf wa 'l-nahi 'an al-munkar* ("Enjoining right and forbidding wrong").
7. Ibn Taymiyya, *al-Hisba fi 'l-Islam*, trans. Muhtar Holland as *Public Duties in Islam: The Institution of Hisba* (Leicester, UK, 1982), 20.
8. Ibid.
9. Ibn Taymiyya, *al-Siyasa al-shar'iyya fi islah al-ra'i wa'l-ra'iyya* (Cairo, 1969), 161.
10. Ibid., 11–12 (trans. Omar Farrukh, *Ibn Taymiyah on Public and Private Law in Islam*, Beirut, 1966, 54).
11. Qur'an, 57:25.
12. Qur'an 4:58–59. Cf. the chapter by Asma Afsaruddin, "Obedience to Political Authority: An Evolutionary Concept," in *Islamic Democratic Discourse: Theory, Debates, and Directions*, ed. Muqtedar Khan (Lanham, MD, 2006), 37–60, for a range of contested interpretations of these critical verses.
13. Ibn Taymiyya, *al-Siyasa*, 13.
14. Ibn Taymiyya, *Minhaj al-sunna*, 4: 460. Quoted in Ahmed, Mustafa Abdul-Basit, "The Impact of the Historical Settings of Ibn Taymiyah on His Program of Reform," Ph.D. dissertation, Ohio State University, 1997, 155.

15. Ibid.
16. Ibid.
17. Ibid.
18. Ibn Taymiyya, *al-Siyasa*, 162.
19. Ibid., 158.
20. Qur'an 42:38.
21. Qur'an 3:159.
22. Ibn Taymiyya, *al-Siyasa*, 158.
23. Ibid., 159.
24. Qur'an 2:177.
25. Ibn Taymiyya, *al-Hisba*, 129.
26. Ibn Taymiyya, *al-Siyasa*, 13–14.
27. Ibid., 7.
28. Ibn Taymiyya, *al-Hisba*, 24.
29. Ibn Taymiyya, *al-Siyasa*, 11.
30. Ibid., 13.
31. Qur'an 38:26.
32. Ibn Taymiyya, *al-Siyasa*, 24.
33. Ibid, 30.
34. Ibid., *al-Siyasa*, 5.
35. Ibn Taymiyya, *al-Hisba*, 117.
36. Quoted in Sivan, Emmanuel, *Radical Islam: Medieval Theology and Modern Politics* (New Haven, 1990), 91.
37. Ibn Taymiyya, *al-Hisba*, 95.
38. Ibid., 79.
39. Ibid., 81.
40. Ibid., 80.
41. Robert Baer, *Sleeping with the Devil: How Washington Sold Our Soul for Saudi Crude* (New York, 2003), 70, 117.
42. See Richard Bonney, *Jihad: From Qur'an to bin Laden* (Basingstoke, UK, and New York, 2004), chapter 4; Johannes Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York, 1986); Rudolph Peters, *Jihad in Classical and Modern Islam* (Princeton, NJ, 1996).
43. Qur'an 3:189.
44. Qur'an 3:26.
45. Ibn Taymiyya, *al-Siyasa*, 12.
46. Qur'an, 3:104.
47. Ibn Taymiyya, *al-Siyasa*, 162.
48. Qur'an 4:59.
49. Abdul Azim Islahi, *The Economic Concepts of Ibn Taymiyah* (Leicester, UK, 1988), 65.
50. Ibn Taymiyya, *al-Siyasa*, 19–20.

Part II

Modern Section

7

Theologizing about Democracy: A Critical Appraisal of Mawdudi's Thought*

Asma Afsaruddin

The deficit of democratic governments in Muslim-majority societies today has given rise to the pat bromide in certain circles in the West that Islam and democracy are incompatible.[1] In such circles, both Islam and democracy are unproblematically assumed to be fixed essences at complete loggerheads with one another. This is so, runs the common wisdom in these circles, because Islam's notion of political administration is intrinsically authoritarian and yoked to immutable divine laws, which prevent Muslim countries from developing democratic governments today.[2]

Interestingly, these western political narratives have spawned counter – master narratives in hard-line Islamist circles, which are often their mirror image. Hard-line Islamists[3] similarly maintain that traditional Islamic notions of governance are antithetical to secular principles of democracy, and although consultative and collective political decision-making is part and parcel of the Islamic political tradition, it differs from the western conceptualization of democratic political participation. Thus, like the westernist advocates of democracy, these Islamists subscribe to a form of Islamic exceptionalism which militates against the adoption of modern democratic principles. Among the foremost proponent of such ideas has been the Indian-born, later Pakistani, Muslim political activist Abul A'la Mawdudi (d. 1979), founder of the Jamaat-e Islami party. Mawdudi would

coin the term "theo-democracy" to distinguish Islamic concepts of political administration from the western ones.

This chapter will primarily be concerned with outlining the key features of Mawdudi's so-called Islamic state, followed by a critique of these ideas. My purpose is to assess the credibility of Mawdudi's claim that his notion of theo-democracy is the prescribed mode of governance according to foundational religious texts and rooted in the pre-modern Islamic political tradition. In other words, I intend to assess how "Islamic" his notion of theo-democracy really is, since, according to Mawdudi, this claim establishes the concept's basic legitimacy. The criteria for earning the label "Islamic" are drawn from his own works.

Mawdudi's Conception of the Islamic State

Maulana Abul A'la Mawdudi, as he is popularly known, is easily one of the most influential thinkers in the Muslim world of the twentieth century.[4] He wrote primarily in Urdu, his native tongue, but his works in translation into other Islamic and western languages have commanded the attention of many Muslims of the twentieth century dealing with the disarray in their midst in the wake of European colonialism. Mawdudi's writings on the Islamic State have in fact exerted a disproportionate influence on Islamist movements in the postcolonial period. Arabic translations of his works considerably influenced the Egyptian political activist Sayyid Qutb (d. 1966), for example, who would further comment and expound upon the nature of the Islamic State and develop a political manifesto for its establishment.[5]

Mawdudi's Islamic State is first and foremost founded on the idea of God's sovereignty, termed by him in Arabic *al-hakimiyya*. This politicized foundational principle of the Islamic State was perhaps his most original—and controversial—contribution to Islamist political thought. The term was coined by Mawdudi to refer to God's "sole right of being the Sovereign over all this creation,"[6] a notion he claims to derive from the Qur'an itself. To this end, he cites verses such as "Those who do not make their decisions in accordance with what has been revealed by God are unbelievers" (Qur'an 5:44) and "They ask: 'Have we also got some authority?' Say, 'All authority belongs to God alone' " (Qur'an 3:154) and others (Qur'an 7:54; 5:45; 12:40; 7:3).[7] Accordingly, the function of the prophets through time was to serve as "the true agencies through whom the directives and the commands of the Almighty are communicated to mankind." The prophets must be obeyed as well, as stated in a number of Qur'anic verses (Qur'an 4:64; 4:80; etc.). Once there has been a categorical pronouncement made by

God and His messenger, the believer must accept it, as enjoined in Qur'an 4:65, "It is not for a believing man or a believing woman to have a say in any affair when it has been decided by God and His Messenger; and whoever disobeys God and His messenger has indeed gone astray." Mawdudi is of the opinion that these verses establish that the Prophet Muhammad "is the physical manifestation of God's de jure sovereignty on earth and His mouthpiece for this purpose."[8] Muhammad, or any other prophet before him, is not a promulgator of law; only God as the absolute sovereign is the Law-giver, as evident in Qur'an 6:50, for example, which exhorts the Prophet to say, "I do not follow anything except what is revealed to me . . ." No prophet as a true servant of God, asserts Mawdudi, would be so presumptuous as to say that other humans should serve and venerate him instead of God (cf. Qur'an 3:79).[9]

From God's sovereignty in the theological sense, Mawdudi extrapolates the notion of His political sovereignty as well. What does he mean by the notion of God's political sovereignty? It derives, once again, from God's function as the supreme promulgator of a comprehensive law *(al-Shari'a)*, which, according to Mawdudi, has left nothing to chance and regulates not only the purely religious realm but the worldly and particularly political realm as well. Since the Law is so wide-ranging and absolute, "The believers cannot resort to totally independent legislation nor [can] they modify any law which God has laid down, even if the desire to effect such legislation or change in Divine laws is unanimous."[10] Divine political sovereignty thus limits human agency and circumscribes it within a supreme revealed law "which it can neither alter nor interfere with."[11] This notion of divine political sovereignty is the basis of Mawdudi's Islamic State and it is this notion that allows him to categorically assert that Islamic political philosophy is completely opposed to secular western notions of democracy, since "[t]he philosophical foundation of Western democracy is the sovereignty of the people."[12]

According to Mawdudi, Islam instead posits a different model of democracy based on the Qur'anic concept of *khilafa* or the "vicegerency of humans" in relation to God, as in Qur'an 24:55, which states, "God has promised such of you as have become believers and performed good deeds that He will most surely make them His vicegerents on earth." God's vicegerency potentially extends to all human beings who choose to believe in Him and do good deeds. *Khilafa* is not, therefore, restricted to a privileged class or clan of people but contingent upon personal piety and righteous behavior, and "every Muslim who is capable and qualified to give a sound opinion on matters of Islamic law is entitled to interpret the law of God when such interpretation becomes necessary."[13] In this sense, the Muslim polity constitutes what Mawdudi calls a "democratic caliphate"

or a "theo-democracy," which is neither democratic nor theocratic in the western sense. It is not democratic in the western secular sense because it "repudiates the philosophy of [unlimited] popular sovereignty . . ." and it is not theocratic in the European Christian sense because it "is not ruled by any particular religious class but by the whole community of Muslims including the rank and file . . . in accordance with the Book of God and the practice of His prophet."[14] Mawdudi is willing to concede that such a polity may actually be regarded as a specific form of Islamic theocracy since a supreme revealed law governs it. He appears not to have a problem with this characterization but qualifies it by pointing out that unlike a real theocracy, the Islamic State gives Muslims the right to choose their leader and depose him if need be.[15]

To those who would remonstrate that submitting to a comprehensive divine law that has left nothing or very little to human adjudication restricts human liberty and intellect, Mawdudi responds by saying that, on the contrary, the Shari'a (divine law) safeguards human freedom by preventing humans from going astray and thus facing ruin in the next world. In any case, he says, unlimited popular sovereignty in western secular democracies is a myth. Only those few who come from wealthy and privileged backgrounds can climb their way to the top to wield political power; the rest of the people "have to delegate their sovereignty to their elected representatives so that the latter may make and enforce laws on their behalf."[16] Since, according to Mawdudi, such democracies are effectively divorced from ethical and moral considerations, this small powerful elite usually creates and enacts laws to serve its narrow and selfish interests to the detriment of the common good. When the general populace is allowed to influence the making of law, they are often incapable of knowing what redounds to their benefit and they exert their influence for the wrong ends. To prove his point, Mawdudi cites the example of the repeal of prohibition in the United States on account of popular agitation. Legislation subject to the caprice of the popular cannot serve the overall best interests of humanity or contribute to its moral and spiritual advancement. Such legislation often leads instead to the enslavement of humans to their base desires and passions.[17]

In the ideal Islamic State, the limits imposed by God *(hudud Allah)* prevent such a spiritual and moral debasement of humans and instead ensure that they lead a balanced and moderate life in conformity with God's laws, which ultimately ensure their welfare. Thus, the requirement of *zakat*, the obligatory alms in Islam, and prohibition of interest, gambling, and speculation set a limit on the individual's right to private property and recognize the claims of the poor and the disadvantaged to a portion of it. In addition

to allowing for a fair distribution of wealth, it prevents the accumulation of wealth in certain segments of society and avoids "the possibility of class war and domination of one class over another, which begins with capitalist oppression and ends in working-class dictatorship."[18]

Mawdudi divides the main functions of the Islamic State into three: legislative, executive, and judicial.[19] The legislative function is discharged by a group of knowledgeable people known literally as "the people who loosen and bind" (Ar. *ahl al-hall wa'l-'aqd)*. The function of this loose legislative body is circumscribed by the fact that in instances where the Qur'an and the Sunna have clear rulings, it cannot contravene them nor can it legislate new rulings in their stead. In such cases, this body is authorized to enact these clear rulings and elucidate the necessary conditions and other legal details for their proper enforcement. When Qur'anic and sunnaic prescriptions allow for more than one interpretation, the legislative body determines which interpretation is to be preferred and translated into a legal ruling. "The people who loosen and bind" must possess the requisite knowledge to interpret the Qur'an and they are those who, as Mawdudi puts it, "would not take liberties with the spirit or the letter of the Shari'a." In the absence of a specific provision in the Qur'an and the Sunna on a particular matter, the legislative body may draw upon previous legal precedents established by the Rightly Guided Caliphs and eminent jurists after them to derive a ruling. When even such precedents are lacking, the legislative body is free to devise laws which are not in violation of the letter and spirit of the Shari'a, invoking the principle of "whatever has not been disallowed is allowed." For Mawdudi, the authoritative sources for defining the function of this legislative body are the Qur'an, the Sunna, the customs of the four Rashidun caliphs, and the legal rulings established by the early eminent jurists (whom he does not specifically name, but would certainly include the eponymous founders of the four Sunni schools of law). Interestingly, in spite of what he says here, Mawdudi later in his life regarded himself at liberty to reject adherence to the legal rulings developed by the great classical jurists, as we shall soon see.

The main function of the executive branch of the government is to enforce the laws set forth in the Qur'an and the Sunna. The Arabic terms he applies to the executive body are *ulu 'l-amr*, which occurs in the Qur'an (4:59), and *'umara'*, which occurs in the hadith literature. This executive body is owed obedience by the citizenry as long as it obeys God and His prophet and eschews wrongdoing. Mawdudi quotes the following verse as example, "Obey not those who overstep the limits [we have set] and create trouble on earth, and have no inclination to reform themselves" (Qur'an 26:151–152), and the hadiths "There is no obedience in an act

of sin; obedience is obligatory only in virtue" and "Whosoever honors and reveres an innovator, helps in bringing down the edifice of Islam," among others, to establish this point.

The authority and function of the judiciary (Ar. *qada')* is predicated on the acceptance of what Mawdudi terms "the de jure sovereignty of God Almighty." The absolutist nature of the judicial branch as imagined by Mawdudi is conveyed very clearly in his following statements:

> When Islam established its State in accordance with its eternal principles, the Prophet himself was the first judge of that State, and he performed that function in strict accordance with the Law of God. Those who succeeded him, had no alternative but to base their decisions on the Law of God as transmitted to them through the Prophet.[20]

Mawdudi finds his warrants for the nature of the judiciary and the imperative to apply the divine law in the political realm in the following Qur'anic verses: "So judge between them by that which God has revealed, and follow not their desires away from the truth which has come to you" (Qur'an 5:48) and "Is it the judgment of the time of Ignorance that they are seeking? Who is better than God for judgment in the case of a people who have certainty [in their belief]?" (Qur'an 5:50). Mawdudi asserts that those who fail to judge according to the divine law, as exhorted by these verses, are unbelievers and rebel without just cause against the Islamic State.[21]

Two other verses are understood by Mawdudi as imposing certain religious and ethical obligations on an Islamic State: Qur'an 22:41, which runs as "(Muslims are) those who, if we give them power in the land, establish prayer and the poor-dues, and enjoin good and forbid wrongdoing" and Qur'an 3:110, which states "You are the best community sent [to humankind]; you command what is right and forbid what is wrong and place your faith in God." Mawdudi reads into these verses a political manifesto, according to which a state apparatus is ordained whose function is not only "to prevent people from exploiting each other, to safeguard their liberty and to protect its subjects from foreign invasion," but also to inaugurate and uphold a "well-balanced system of social justice," a system understood by him to be already detailed by God in the Qur'an. Political power is necessary to carry out this basic principle of promoting good and eradicating all forms of corruption and wrongdoing. A state charged with such a mission must by necessity be "universal and all-embracing," and "its sphere of activity is coextensive with the whole of human life." There can be no distinction, asserts Mawdudi, between the individual's private and public life. Every aspect of life and activity of the individual is regulated by the Islamic State of his conception.[22]

Mawdudi intuitively anticipates the potential discomfort of the reader at this point and certain comparisons he or she may be inclined to make with other worldly political systems. Thus he concedes that viewed in this manner, the Islamic State of his description appears to be as totalitarian as a fascist or communist state. This, he hastens to add, would be a false and superficial impression, because in the Islamic State the "(i)ndividual is not suppressed under it nor is there any trace of dictatorship in it. It presents the middle course and embodies the best that the human society has ever evolved."[23]

It is, however, an ideological state, affirms Mawdudi. Exactly what this ideology might be is not explicitly stated by him but those who are entrusted with the administration of this state "believe in the ideology on which it is based and in the Divine Law which it is assigned to administer." The ideology is, therefore, separate from the Divine Law but is understood to serve it. From this vantage point, the Islamic State becomes "an instrument of reform" that presents its scheme of reform to all humanity. The Islamic State recognizes no division on the basis of "race, nation or country" in the case of all those who accept and submit to this scheme of reform, asserts Mawdudi. Those who choose not to do so can live as protected non-Muslim citizens *(dhimmi*s) with their lives, property, and honor fully protected. They may not, however, be allowed to influence the basic policy of this ideological state, although they may be allowed to offer certain services that such a state may be in need of from them.[24] Given the concerns of his time, Mawdudi is careful to distance the policies of this Islamic State from the discriminatory and punitive policies of the Communist state toward those who do not subscribe to its ideological premise. Unlike the Communist state, he declares, the Islamic State does not force its views on those who are from a different persuasion, for "Islam does not want to eliminate its minorities, it wants to protect them and gives them the freedom to live according to their own cultures."[25]

The Islamic theory of state, according to Mawdudi, is based on two foundational points. The first notion is that of "vicegerency" *(khilafa)* which points to a fundamental distinction between the authority exercised by the Muslim ruler and the sovereignty of God. The vicegerent *(khalifa)*, who rules on behalf of God, is thus required to uphold the laws of God and may exercise only those powers delegated to him by the divine sovereign. The second notion is that of "popular vicegerency," by virtue of which the entire community of believers is entrusted with the authority to rule on earth. From this it follows, Mawdudi asserts, that "all believers are repositories of the Caliphate" and that "Every believer is a Caliph of God in his individual capacity."[26] No single person or class of people is understood to be exclusively designated as the vicegerent of the divine sovereign. It is

this particular notion of popular vicegerency that he regards as the basis of democracy in Islam and that allows him to postulate the following four main ethical and sociopolitical implications emanating from it:

A. A society predicated on popular vicegerency does not condone a hierarchy of social classes based on lineage and social status. All its members are equal in terms of social position; differences are recognized only on the basis of individual aptitude and character. He adduces part of the farewell sermon of the Prophet Muhammad as a proof-text:

> No one is superior to another except on the basis of faith and piety. All men are descended from Adam and Adam was made of clay.
>
> An Arab has no superiority over a non-Arab nor a non-Arab over an Arab; neither does a white man possess any superiority over a black man nor a black man over a white one, except on the basis of piety.[27]

   In another speech, the Prophet had reiterated the basic egalitarian message of Islam and warned the Quraysh, his natal tribe, against "the pride of ancestry" and emphasized that only piety conferred merit on the individual.

B. In this ideal Islamic State, therefore, which recognizes no socially constructed differences between its citizens, each individual is guaranteed equal opportunities for progress in accordance with his or her aptitude and gifts. He or she has the unfettered right to attain to human flourishing without impinging on the rights of others. Thus, Mawdudi points out that slaves and their descendants rose to high positions in pre-modern Muslim societies and persons of noble descent were not ashamed to serve under them. He says rather lyrically, "Cobblers who used to stitch and mend shoes rose in the social scale and became leaders of [the] highest order *(imam*s)." This is as it should be, since the Prophet had counseled, "Listen and obey even if an Abyssynian slave is appointed a ruler over you."[28]

C. A social order thus predicated on popular vicegerency, continues Mawdudi, militates against the possibility of "the dictatorship of any person or group of persons." Since everyone is a caliph or vicegerent in his or her own right,[29] the man who leads the polity is merely an administrator of the polity by virtue of the fact that the ruled have delegated their vicegerencies to him. The caliph is thus accountable to both God and "his fellow caliphs." In the event that he arrogates to himself the absolute right to rule, that is, he becomes a dictator, he is to be regarded as an usurper rather than a legitimate caliph. The primary function of the ruler is to enforce the all-pervasive Shari'a or divine

law, to which he himself is subject. No ruler may depart from the prescriptions of this comprehensive law nor can he supplant any of these prescriptions with laws of his own making. Thus the legitimate ruler is restrained by the Shari'a itself from turning into a dictator or from arbitrarily promulgating new legislation against the wishes of the citizenry, unlike the dictators of Russia, Germany, and Italy or Ataturk in Turkey. The caliph is further constrained from curbing the "full liberty" possessed by each individual "to choose whichever path he likes and to develop his faculties in any direction that suits his natural gifts."[30]

D. The final, brief conclusion to be drawn is that in the egalitarian, Shari'a-compliant society of Mawdudi's description, "every sane and adult Muslim, male or female" is entitled to freedom of expression of one's opinion. This is a natural concomitant of the belief that every citizen is a caliph and thus each individual's opinion counts.[31]

These are the broad outlines of Mawdudi's vision of the Islamic political utopia, which is established in accordance with an assumed preordained detailed divine prescriptions. We now proceed to an analysis and critique of this political vision.

Analysis and Critique of Mawdudi's Concept of Theo-democracy

Since Mawdudi claims to be following Qur'anic prescriptions, the Sunna of the Prophet, and examples of the Rightly Guided Caliphs and the early jurists—thereby establishing the Islamic bona fides of his political schema—it will be a useful heuristic exercise to test and determine if his claim stands up to scrutiny, as we now proceed to do. A pertinent question to ask at this juncture is: how "Islamic" is Mawdudi's Islamic State, according to the criteria invoked by him?

Already, we have broadly hinted above that Mawdudi's "Islamic State," cloaked at least superficially in the Islamic idioms of piety and social justice, may be less than deserving of this nomenclature. In order to more firmly ascertain this, we examine below three of his main concepts that form the crux of his theory of the Islamic State against the backdrop of early and classical Islamic history and political thought.

A. The Concept of *al-Hakimiyya* and Its Bearing on the Principle of *Shura*: According to Mawdudi and the Islamists who have adopted his ideas, it is the fundamental notion of *al-hakimiyya* or divine sovereignty that should prevent Muslims today from adopting modern models

> of democratic governments. Although Mawdudi also foregrounds the notion of *shura* in the meaning of consultative government, he insists that it cannot be understood to be consonant in any way with constitutional democracy, since democracy is predicated on popular sovereignty, which runs counter to the notion of divine political sovereignty.

Mawdudi presents *al-hakimiyya* as a concept that has always informed Muslim political culture and thought, a position that is impossible to maintain when one surveys the early history of the Muslim polity. It is in fact a term and concept that was coined only in the twentieth century and represents in fact a rupture from mainstream Sunni political thought. For majoritarian Sunni Muslims, the caliph is regarded as primarily a political figure, charged with containing chaos and maintaining law and order in the temporal realm. The Umayyad and 'Abbasid rulers' predisposition (from the late first/seventh century on) toward kingly pretensions and the adoption of grandiose titles such as "God's Shadow on Earth" by the 'Abbasid caliphs are often presented in the sources as being in stark opposition to the humbler attitudes of the Rightly Guided Caliphs, particularly of Abu Bakr and 'Umar.[32]

The Qur'an, to be sure, emphasizes God's suzerainty and lordship over all creation. As His created beings and representatives or vicegerents on earth, humans owe their obedience to Him; they, however, retain a choice in this matter (e.g., Qur'an 2:256; 22:8–13; 18:28). The Qur'an refers to God's dominion over all "the heavens and the earth" (24:42); the word used in this context is *mulk*, while elsewhere it is *malakut* (36:83). One of the divine epithets is the derivative *al-Malik* (1:4; 3:26; 20:114; etc.), meaning the possessor or owner (of all things). *Hukm* is not used at all in the sense of dominion or sovereignty in the Qur'an (6:57; 12:40) but is used to refer to the divine judgment of human actions, particularly in the next world. The term *hukm* otherwise does not have an early political genealogy. Early commentators on the Qur'an understand *hukm* and its derivatives to refer primarily to God's (moral) judgment (Ar. *qada')* of human beings, in this world and the next. When the term is used in relation to humans, it also refers to legal adjudication and conveys no intrinsic this-worldly political signification.[33]

The Qur'an is, furthermore, a highly anthropocentric text, concerned to a great extent with the proper ordering of human, temporal existence, which is of as much concern as life in the hereafter.[34] It does not, however, contain specific legal rulings regarding the political ordering of human life but rather what has been understood by many as broad moral guidelines for molding and containing social behavior.[35] Some of

the later jurists, however, became quite concerned with the minutiae of political conduct and composed manuals detailing the rights and obligations of the ruler and the ruled. But many of these prescriptive manuals clearly draw on non-Islamic sources in propounding theories of statecraft, drawing, for example, on pre-Islamic Arab precedents and relying on foreign secular administrative literature, such as the Persian mirror-of-princes genre.[36] For example, in his section on the contract of the imamate, the eleventh-century political theorist al-Mawardi (d. 1058) appeals to verses of pre-Islamic poetry rather than to religious texts as proof-texts in order to establish the necessity of appointing leaders to contain social and political disorder *(fawda)*.[37] The neologisms *al-Hukuma al-Islamiyya* ("Islamic Government") and *al-Dawla al-Islamiyya* ("the Islamic State"), pointing to an essential fusion between religion and state, cannot claim a pedigree earlier than the twentieth century.[38]

We can only speculate why Mawdudi picked the abstract Arabic noun *al-hakimiyya* (from *hukm*) rather than *al-mulkiyya* (from *mulk*) to connote God's status as the sovereign of the polity. The only precedent offered to us in early Islamic history, which would have a bearing on this discussion, is that of the deviant militant group known as the Kharijites and their appropriation of the Qur'anic term *hukm* to imply God's direct intercessory judgment in mundane affairs.[39] Mawdudi's concept of *al-hakimiyya* represents in many ways a modern-day resuscitation of the Khariji mindset, which dealt in absolutes incapable of offering pragmatic solutions and compromises to real-life circumstances.[40] Thus, Mawdudi never explains to us how the "executive body which is owed obedience by the citizenry as long as it obeys God and His prophet and eschews wrong-doing" can be disciplined when it does in fact resort to wrongdoing. Who among the citizenry can initiate disciplinary action and by what criteria? Is there only one definition of right and wrong in any given situation? If so, how does he explain the diversity of theological and legal opinions and schools in Islam's formative period, the very period he regards as having been peopled by the best Muslims? Legal pluralism, or "ijtihadic pluralism" as Wael Hallaq terms it, became a defining feature of the Islamic juridical tradition after all from an early period.[41] But the religious law, as conceived by Mawdudi, may only yield one possible, true interpretation in most cases. In such a situation, it is hard to imagine how Mawdudi's Islamic State can guarantee freedom of expression for all its citizens as he asserts, since so much of this state's legal system is already assumed to be predetermined by religious texts and precedents, which the pious Muslim is then required to accept and obey. In fact, it appears that once the ruling elite (for an elite it is) declares a piece of legislation to be scripturally mandated, very little or no dissent on the part of the citizenry could be countenanced.

B. The Concept of *Khalifa:* For Mawdudi, as we have seen, the *khalifa* as the ruler of the polity is God's vicegerent or deputy on earth, whose primary duty is to uphold and implement the religious law. Furthermore, in his conceptualization of theo-democracy or the democratic caliphate, every Muslim citizen of the state is also a *khalifa*, and because each is thereby directly responsible to God, this fact alone prevents the rise of a political dictatorship

The early conceptualization of the caliphate and of legitimate leadership, as the sources tell us, was in many ways markedly different from later formulations of them. It is well known that Abu Bakr would only use the title *Khalifat Rasul Allah* ("successor of the Messenger of God") and recoiled from using *Khalifat Allah* ("God's deputy") because of the undue presumptuousness implicit in its adoption.[42] 'Umar, who followed him, was at first simply called *Khalifat Abi Bakr* ("Abu Bakr's successor") or *Khalifat Khalifat Rasul Allah* ("successor of the successor of the Messenger of God") and then later more commonly *Amir al-Mu'minin* ("leader/commander of the faithful").[43] The last title was adopted by the third and fourth caliphs as well, and became in general the common honorific for subsequent rulers of the polity. According to early usage, therefore, it seems clear that the term *khalifa* as employed in the political sphere was semantically and functionally different from the term *khalifa* as used in the Qur'an.

From the Qur'anic perspective, earthly stewardship is a purely human enterprise. The word used to refer to it is indeed *khilafa* while the human as God's steward or vicegerent on earth is *khalifat Allah.* In Qur'anic usage, however, there is nothing inherently political about these terms. Rigorous scholarly studies have shown that the Qur'anic term *khalifa* was understood by the early exegetes of the seventh and eighth centuries as referring to the human in his or her basic function as a cultivator of the earth and a general custodian of its resources and order.[44] Moreover, the plural *khulafa'* as used in the Qur'an connotes "successors" (Qur'an 7:74). It is this latter distinct strand of meaning that Abu Bakr was invoking when he adopted the title *khalifa*, using it strictly in the sense of being the Prophet's successor: that is, literally following in time after him.[45] In this narrow sense, Abu Bakr was the *only* successor to Muhammad, for 'Umar, the second caliph, could only directly follow Abu Bakr and was, therefore, Abu Bakr's, and not the Prophet's, successor. The use of *khalifa* in this sense—"immediate successor"—in the political sphere does not then hark back to the Qur'anic collocation *khalifat Allah*, which for the earliest Muslims appears to have had no political connotations, but is a singular of the Qur'anic plural *khulafa'.* When invoked in the political sphere, *khalifat Allah* ("the deputy of

God") smacked instead of impious presumptuousness to pious ears, as the sources inform us. Thus, the historian al-Tabari (d. 923) reports that when a man once addressed 'Umar as "O Deputy of God," the annoyed caliph exclaimed, "May God prove you wrong!"[46]

The honorific *khalifat Allah* to refer to the political ruler is said to have become customary after the Rightly Guided Caliphs, first among the worldly Umayyads and then among the imperial 'Abbasids, and marks a terminological and conceptual rupture between legitimate and illegitimate leadership. There is a broad consensus among Muslims that with the assassination of 'Ali, the fourth Rightly Guided Caliph, in 661 CE, the political culture of the early Muslims was drastically altered, and not for the better.[47] The Umayyads, who came to power after his death, initiated dynastic rule and had no compunctions about adopting the title "God's deputy" to signal their enhanced political status. The 'Abbasids, who followed them in 750 CE, continued this usage. Ideas of political absolutism and social hierarchy of Hellenist and particularly Persian provenance gained ascendancy under the 'Abbasids from eighth century on, undermining to an extent the radical egalitarianism of early Islam.[48] The majority of the bureaucratic secretaries *(kuttab)*, who were mainly responsible for managing the actual day-to-day affairs of the 'Abbasid bureaucracy, tended to be of Persian extraction, with an understandable proclivity for the Persian way of doing things. Many of the political and social hierarchical notions that began to gain ground from after the eighth century may be attributed to their influence to a considerable degree. Imported ancient foreign formulations of political authoritarianism progressively conferred on the 'Abbasid caliph an unmistakable mystique, reflected in the adoption of honorifics such as "God's shadow on earth," besides "God's deputy" *(khalifat Allah)*. There is boundless rich irony in the fact that it is precisely this self-aggrandizing sobriquet—eschewed by the Rightly Guided Caliphs as offensive and representing a flagrant misuse of a Qur'anic nonpolitical term in the political realm—that Mawdudi prefers to confer on the righteous, self-effacing leader of his Islamic State. Such a development only highlights the follies that ensue when ignorance of history becomes wedded to dangerous scriptural literalism, as in this case.

To the extent that we can infer a broad paradigm of legitimate leadership from the Qur'an, two scripturally derived terms are relevant to this discussion: "precedence" (Ar. *sabiqa)* and "excellence" (Ar. *fadila/fadl)*. Several Qur'anic verses point to a hierarchy of moral excellence, both in this world and the next, with stewardship on earth vouchsafed to those who are the most morally excellent (e.g., 7:128–129; 24:55).[49] Shades of this classical discourse on piety in relation to the ruler of the polity find reflection in Mawdudi's political manifesto, with his insistence on the personal moral

probity of the leader and of the members of his advisory council. This in itself is of course not problematic. What is problematic, however, is his dogmatic belief that the *khalifa* and his privileged coterie, by virtue of their position, are to be assumed to know exactly what the Shari'a prescribes in practically every imaginable situation, and their conduct must be assumed to replicate that of the Pious Forbears *(al-salaf)*, and, in turn, worthy of emulation by those who succeed them. Although Mawdudi appears to be qualifying this dogmatic position by stating that every (Muslim) citizen in the polity is a *khalifa* in his or her own right, this empowering statement is rendered effectively meaningless by his premise that there is basically only one unambiguous, authoritative understanding of the Shari'a and its precepts and that the ruler must enforce this understanding on the citizenry.[50]

C. The Concept of Shari'a and Its Relevance to the Political Sphere: Mawdudi sweepingly asserts that the religious law of Islam, the Shari'a, covers practically every aspect of life. Although he concedes there may be a few matters concerning which a specific religious prescription does not exist, he does not identify what they are and clearly considers them to be trivial. Moreover, there is very little appreciation on Mawdudi's part of the actual historical context of legal practices and the application of specific rulings. In his treatment of divine or religious law, Mawdudi, like most traditionalists, conflates Shari'a with *fiqh*. That is to say, he conflates revealed broad moral and legal principles that constitute the Shari'a (literally "the way") with specific legal rulings extrapolated from the former through human reasoning which constitute *fiqh* (jurisprudence; literally "intelligence" and "discernment"). By its very definition, *fiqh* or jurisprudence is a human activity and contingent on specific social and historical circumstances.[51] Thus, there is the well-known example of the famed jurist al-Shafi'i (d. 820), who resorted to fresh *ijtihad* (independent reasoning) when he moved from Iraq to Egypt, since the new social and cultural milieu of Egypt required such a legal reformulation.[52]

Mawdudi's simplistic and reductive view of the Shari'a as a fixed legal essence which one can apply wholesale to a society, regardless of its cultural specificities, and thereby render it "Islamic" overnight with no two opinions regarding it, has become typical of hard-line Islamist camps. Such a view would have been incomprehensible to the classical jurists, whom Mawdudi claims to follow.[53] A popular legal maxim in the classical period was "Every independent legal thinker *(mujtahid)* is correct." Thus Abu Hanifa (d. 767), one of the early jurists whom Mawdudi regards as

a *mujaddid* or "a reviver of the faith,"[54] is quoted in a source as saying, "I refuse to follow my predecessors because they were men who practiced *ijtihad* and I am a man who practices *ijtihad*."[55] Such early juridical statements encapsulate the possibility, even the necessity, of a plurality of legal opinions based on sound reasoning and derived through reflection on the divine intent in varying circumstances. But in order to compete with Marxists and other advocates of totalitarian utopias of his time, Mawdudi appears to have been compelled to devise a religiously tinged magic formula whereby he too could promise social justice overnight—hence the configuration of the Shari'a as a do-it-yourself blueprint to automatically generate a utopian social and political order.

An important component of this blueprint is the inextricable intertwining of religion with politics (or the indivisibility of what is termed "Church and state" in the Christian context), on the assumption that such a combination replicates the reality of the early years of the polity. A review of the formative period of the Muslim polity, however, challenges this assertion. The Qur'an in fact is largely apolitical; it is also not a law book. Out of the 6,000 verses in the Qur'an, approximately 500 verses (slightly less than 10 percent) have to do with legal rulings.[56] Through human effort and reasoning, specific legal rulings in specific circumstances may be extrapolated from the broad moral guidelines offered by the Qur'an and the Sunna, particularly in areas or "spaces" where there are no applicable religious prescriptions. Pre-modern jurists in their legal deliberations recognized such "spaces," about which the religious law was either silent or noncommittal. A specific legal category was created by them in recognition of this fact, signified by the term *mubah*, which means "permitted" or "indifferent." This nomenclature was applied to activities or acquisition of things that were of a purely temporal nature—one could easily say "secular" here—and which had no intrinsic moral valuation. Therefore, the commission of such activities or possession of such things earned no merit or demerit for the individual, nor did its omission.[57]

Thus, one may argue that if ultimately the purpose of human governance is to promote lawfulness and order in society, any mode of governance conducive to the achievement of the higher objectives of the law is permissible and is in itself morally neutral. Therefore, if through a modern electoral system the principle of *shura*, a basic requirement of the Shari'a, is understood by Muslims to be better implemented, then a democracy in the modern sense is also permissible, according to this line of reasoning, as a means toward a moral and legitimate objective.[58]

We have already referred to the Rashidun period and the lack of evidence for any notion of sacralized politics in this period. It is acknowledged by the majority of Muslims that the Prophet did not name a successor to

himself nor did he leave any instructions for the institution of any political system after him. The conclusion is inescapable: the issue of political succession to Muhammad was not a matter of Qur'anic concern nor broached by the Prophet before his death, because matters concerning political rule and administration were not considered to be within the purview of divine revelation and/or prophetic counsel. Political administration, called *siyasa* (a non-Qur'anic Arabic term), was a temporal matter and could be initiated, devised, and changed according to the dictates of human deliberation and public utility.[59] *Siyasa* referred to an overarching system of administrative and penal laws mostly of nonreligious provenance, which was sometimes in contention with *fiqh*, the religiously derived legislation.[60] Even though state and religion were often presented as unified in official sources, the two usually operated independently of the other in actual praxis.[61] As late as the fourteenth century, the scholar 'Adud al-Din al-Iji (d. 1355) would express the opinion that popular consensus and social utility rather than religious doctrine had established the historical necessity of the caliphate.[62]

The nature of the authority exercised by the first four caliphs was primarily political and epistemic, that is, based on their administrative acumen and possession of knowledge. Their authority to interpret the law was not exclusive and did not derive from the office of the caliph itself. Rather, they shared this authority with other prominent Companions, such as 'Abdullah b. 'Abbas, Ibn Mas'ud, 'A'isha, and others, who were equally, if not sometimes more, knowledgeable about religious matters, as depicted in early and classical Islamic sources.[63] It is not irrelevant to mention here that in contrast to this notion of shared epistemic authority among the early exemplars of Muslim society that emerges from authoritative sources, Mawdudi in his later years would imagine himself to be the *mujaddid* ("renewer") of his time, even no less than the Mahdi, the messianic figure who, according to later extra-Qur'anic tradition, heralds the inauguration of a just era. Mawdudi in fact in his later years had become so convinced of the certitude of his convictions that he further perceived himself to be beyond the need for traditional scholarship. Thus, he declared himself to be above the need to adhere to any particular *madhhab* (legal school) and claimed to have developed the ability to "intuitively sense the wishes and desires of the Holy Prophet . . ."[64] Mawdudi was clearly a bold and idiosyncratic innovator and despite his pronouncements gave very little evidence in his conduct of holding himself, as the self-styled leader of his community, accountable to his fellow caliphs.

There are no terms in the Qur'an which, in their original Qur'anic context, have an exclusively political signification. We have already shown how the Qur'anic terms *khalifa* and *hukm* in their original contexts cannot be

understood in a political sense, and were not in fact so understood by the earliest exegetes. One of the Qur'anic verses Mawdudi cites as proof-texts (Qur'an 5:44) to establish the notion of divine political sovereignty in Islam, as we mentioned previously, is addressed in fact to Jews, entreating them to uphold the laws of the Torah and to judge by them. The occurrence of the Arabic verb *yahkum* (derived from the Arabic root *hkm*) in both Qur'an 5:44 and the following verse (Qur'an 5:45) clearly means "to judge" rather than "to rule" in this context, since the reference is to the *lex talionis* in the Bible.[65] Even *sultan*, the term used later in extra-Qur'anic literature for the political ruler himself, refers in the Qur'an mainly to "an irrefutable proof" or a "justification" (Qur'an 23:45; 27:21; 6:81; 17:33; etc.) or to physical power or might (e.g., Qur'an 55:33), but never to any being who exercises any kind of power, especially political power.[66]

It has been similarly shown that the Qur'anic term *ulu 'l-amr* (Qur'an 4:59), which Mawdudi understands to refer to the ruler's political advisors, was devoid of political signification in the early centuries of Islam, although it progressively acquired such a meaning by roughly the third century of Islam, when the lexeme *amr* came to signify *inter alia* political authority.[67] Thus Mawdudi's attempts to read "political authority" into the term *amr* as occurring in specific Qur'anic verses (such as Qur'an 3:154 and 7:54) are highly tendentious and anachronistic. These examples collectively establish that Mawdudi falls short considerably of his vaunted goal of resurrecting the worldview of the earliest Muslims through a close reading of the Qur'an and other early sources. His objective of effecting a genuine renewal of the faith by stripping it of what he understands to be the distorting views of later scholars has been effectively and ironically subverted by the fact that he frequently ends up privileging later scholarly views over the views of the earliest authorities in his zeal to impose a highly politicized reading onto religious texts, particularly the Qur'an.

Conclusion

It is easy to see the appeal of Mawdudi's political discourse to a certain extent for disenfranchised Muslims in the postcolonial era of the twentieth century. The historical backdrop to the emergence of political Islam is necessary for us to keep in mind. In 1924, the caliphate was abruptly abolished by the Republican Turks, a unilateral act which caused tremors of dismay to reverberate throughout the Islamic world. The act was unprecedented. For fourteen centuries, the caliphate (with brief interregnums in the pre-modern era) had functioned as the most visible symbol of at least the putative unity of the Muslim polity. Even when the caliphate was divested

of real political power by the Mamluks in the mid-thirteenth century in the aftermath of the Mongol invasion, the ʻAbbasid caliph, now transferred to Cairo, continued to serve as the titular head of Islamdom. Turkic upstarts like the Mamluks of lowly slave origin needed the imprimatur of the ʻAbbasid caliphate to confer legitimacy on their own rule. The office of the caliph had become an integral part of the Islamic collective identity and maintained the myth of the indivisible *umma*, especially as it fractured into independent sultanates.

Soon after the abolition of the caliphate, ʻAli ʻAbd al-Raziq (d. 1966), an Egyptian religious scholar trained at al-Azhar, the foremost Sunni institution of religious learning, wrote a treatise arguing against the notion of the institution of the caliphate as a religious requirement.[68] The work caused an uproar among the traditional *ʻulama*ʼ and contributed to the perception that the *umma* was besieged by both external and internal enemies.[69] It is in this anxious milieu that Islamism—Islam articulated specifically as a political ideology capable of mobilizing the faithful to establish an assumed pristine Islamic State—was born. In 1928, Hasan al-Banna established the Muslim Brotherhood *(Ikhwan al-Muslimin)* to stave off the corrosive effects of both British colonial rule, which had sapped the morale of Egyptians, and secular nationalist politics that threatened to undermine the Islamic character of Egyptian society. In South Asia, as already discussed, the creation of Pakistan at the end of British colonial rule as a distinctive homeland for Indian Muslims abetted Mawdudi's rise to prominence as one who could most effectively articulate and galvanize this new Muslim political consciousness. To compensate for the loss of the caliphate and what clearly appeared as the political emasculation of Muslims worldwide, the assertion of a distinctive Muslim political identity and an assumed divinely mandated political agenda was called for from the perspective of certain Muslim political activists.

In addition to self-empowerment, a divinely mandated political agenda could also serve as an effective antidote to the rise of secular dictatorships in this period and the appeal of totalitarian ideology for disenfranchised citizens of what used to be called Third World polities. Muslims constituted a significant percentage of the postcolonial Third World. Like non-Muslims in this part of the world also recovering from the debilitating onslaught of European colonialism, some Muslims found communism's and socialism's rhetoric of equality of all citizens and abolition of class distinctions highly seductive. For people who believed that they "had nothing to lose but their chains," violent revolution against corrupt regimes, which tried to prevent the establishment of such utopias, could be understood as a supremely moral act to enable human flourishing. Mawdudi's positing of an alternative totalitarian or near-totalitarian political ideology—which, however,

invoked familiar Islamicizing shibboleths and imagery—was meant to preempt the defection of Muslims to communism, for example. This is very strongly indicated by the fact that Mawdudi takes great pains throughout his various essays to distance his version of the "universal, all-embracing" Islamic State from the competing totalitarian ideologies of his time, while offering Muslims panaceas similar to those promised by the socialists and communists of his time.

Thus, like the totalitarian communist utopia, Mawdudi also promises that his Islamic State will obliterate all class, social, and racial distinctions. In the Islamic context, it is not difficult to muster scriptural proof-texts to sustain this position. The Qur'an, after all, insists on the absolute equality of all human beings, male or female, rich or poor, et cetera, and recognizes differences only on the basis of individual piety and merit. This Qur'anic premise does strongly inform Mawdudi's works and its constant invocation is probably the most attractive aspect of his thought for his Muslim readers. Mawdudi's insistence that personal moral probity should define the leader of the Islamic State and that one of his main functions, if not his principal function, is to promote social justice is also bound to resonate strongly with Muslims, who lived and continue to live for the most part in societies characterized by stratifications of class and various injustices perpetrated by corrupt, self-serving rulers. But if communism or socialism or some other form of utopian ideology can promise and potentially deliver the same goods—selfless, conscientious leaders and social justice—what is the justification for a specifically Islamic State?

And this is where we may appreciate the originality—and danger—of Mawdudi's principal contribution to modern Islamic political thought: the formulation of the concept of *al-hakimiyya* or "divine sovereignty." The notion of the sovereignty of God in itself is not an innovation; it is rather a theological *sine qua non* for human faith in the supreme Divine Being, who is unlike anything or any being that humans can conceive of and Who is beholden to none. But Mawdudi reduces this purely theological conception of God's sovereignty primarily to *political* sovereignty, by which he underscores God's role as the revealer of a specific political mandate for humankind, whose stipulations are transparent (at least to a rightly guided elite) and literally enforceable. In relation to the Divine Political Sovereign, the ruler of the polity is His *khalifa* or vicegerent, whose primary function on earth is to implement this Sovereign's law in every aspect of life that it governs, particularly in the political realm. Mawdudi, as we have seen, concedes that there are a number of areas regarding which there are no express divine instructions on how to act. In such a case the ruler, in consultation with "the people who bind and loosen," can devise laws pertaining to these matters. By this admission, Mawdudi has unwittingly

acknowledged that there are interstices in the Shari'a concerning which humans have to exercise their faculty of reason and that the Shari'a does not, in fact, have detailed regulations covering *every* sphere of life. One of these spheres, as we have shown, is the political. Mawdudi's grand notion of *al-hakimiyya* with a fabricated Qur'anic lineage, however, is meant to compensate for a lack of explicit scriptural provisions for a so-called Islamic State or government.

The emotional appeal of Mawdudi's sacralized politics, dressed up in Islamic garb and guaranteed to politically empower disenfranchised and victimized Muslims today and to right every wrong in an imperfect world, as he promised, is understandable. Often feeling betrayed by their own governments and marginalized by a relentlessly changing world over which they have little control, a considerable cross section of Muslims are particularly vulnerable to the blandishments of the rhetoric of political Islam today. Mawdudi was not above posing as a messianic political savior for the Muslim downtrodden.[70] From this vantage point, it would be more useful to compare the political theological movement Mawdudi inaugurated to the liberation theology movements in Catholic Latin America[71] or the various millenarian movements of the twentieth century in various religious communities,[72] which similarly subscribe to such religio-political objectives. But that is a discussion we must leave aside for another day.

Notes

*This is a shortened and revised version of my earlier article "Mawdudi's Theodemocracy: How Islamic Is It Really?", *Oriente Moderno* 87 (2007): 301–325. I am grateful to the editor Claudio Lo Jacono for granting me permission to publish this revised version.

1. The best known proponent of this idea is Samuel P. Huntington, as expressed in his "The Clash of Civilizations?", *Foreign Affairs* 72 (1993): 22–49.
2. The "Arab Spring" of 2011, which witnessed the growth and spectacular spread of pro-democracy movements in many parts of the Arab world, however, has posed a serious challenge to these glib assumptions.
3. I am using the phrase "hard-line Islamists" to distinguish them from moderate Islamists who usually subscribe to democratic principles of participatory government and advocate taking part in elections as the preferred avenue for coming to power. Moderate Islamists belong to the Justice and Development Party in Morocco and certain wings of the Muslim Brotherhood in Egypt and Jordan, for example.
4. For biographical details of his life, see, for example, Charles J. Adams, "Mawdudi and the Islamic State," in *Voices of Resurgent Islam*, ed. John Esposito

(Oxford, 1983), 99–133; and Syed Vali Nasr, *Mawdudi and the Making of Islamic Revivalism* (New York, 1996), 9–46.

5. For example, see Ahmad S. Moussalli, *Radical Islamic Fundamentalism: The Ideological and Political Discourse of Sayyid Qutb* (Beirut, 1992), and Yvonne Haddad, "Sayyid Qutb: Ideologue of Islamic Revival," in *Voices of Resurgent Islam*, ed. John L. Esposito (New York, 1983), 67–98.
6. See his *First Principles of the Islamic State*, trans. and ed. Khurshid Ahmad (Lahore, 1983), 16.
7. Ibid., 21–23. See also Mawdudi's *Political Theory of Islam* (Lahore, 1976), 20–21.
8. *First Principles*, 23–24.
9. *Political Theory*, 21.
10. Ibid., 22.
11. *First Principles*, 25.
12. *Political Theory*, 23.
13. Ibid., 25.
14. Ibid., 23–25.
15. Ibid., 25.
16. Ibid., 26.
17. Ibid., 26–28.
18. Ibid., 29.
19. The following description is taken from his *First Principles of the Islamic State*, 29ff.
20. *First Principles*, 33.
21. Ibid., 34.
22. Ibid., 33.
23. Ibid., 33–34.
24. Ibid., 34–35; see also Mawdudi, *Islamic Law and Constitution* (Lahore, 1967), 264–265.
25. *Political Theory*, 35.
26. Ibid., 38
27. Ibid., 38–39. I have slightly emended the translation.
28. Ibid., 39–40.
29. The next section will clearly show that Mawdudi does have both men and women in mind.
30. *Political Theory*, 40–41.
31. Ibid., 41–42.
32. For a discussion of this, see my article "The 'Islamic State': Genealogy, Facts, and Myths," *Journal of Church and State* 48 (2006): 153–173.
33. For example, see the early commentary of the well-known eighth-century exegete Muqatil b. Sulayman known as *Tafsir Muqatil* (Cairo, 1969), 1:564; 2:343; et cetera.
34. Thus, the Egyptian philosopher Hasan Hanafi in his book entitled *Islam in the Modern World* (Cairo, 1995) maintains that Islam is secular at its core.

35. Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis, MN, 1980), 47; Khaled Abou El Fadl, *The Place of Tolerance in Islam* (Boston, 2002), 13–15.
36. One of the best known and most popular of such works in the medieval period was *Kalila wa-Dimna* ("Kalila and Dimna"; these are names of two wise jackals), a translation of a work from Middle Persian, which was intended to instruct princes in the art of administration by means of animal fables.
37. Al-Mawardi, *Al-Ahkam al-sultaniyya wa 'l-wilaya al-diniyya* (Cairo, 1983), 5.
38. Among modernist writers on political Islam who have vigorously and convincingly challenged the notion of *hakimiyyat Allah* and its presumed Qur'anic lineage is Muhammad Sa'id al-'Ashmawi, who in his work *al-Islam al-siyasi* (Cairo, 1987) states that this concept is actually un-Islamic and contrary to the Qur'an and Sunna.
39. When they seceded from 'Ali's army, the Khariji slogan was *la hukma illa bi-'llah* ("There is no judgment save God's").
40. Cf. Adams, "Mawdudi and the Islamic State," 128–130. Among Mawdudi's contemporaries, Muhammad Manzur Nu'mani and others accused Mawdudi of being a neo-Khariji and dismissed his subscription to *al-hakimiyya* as a distortion *(tahrif)* of fundamental Islamic teachings; see Nasr, *Mawdudi*, 114.
41. For this discussion, see Hallaq's important essay "Can the Shari'ah Be Restored?" in *Islamic Law and the Challenges of Modernity*, ed. Yvonne Y. Haddad and Barbara F. Stowasser (Walnut Creek, CA, 2004), 21–53.
42. See, for example, the classic biographical work in Arabic by Ibn Sa'd, *al-Tabaqat al-Kubra* (Beirut, 1957), 3: 183–184.
43. Ibid., 3: 281.
44. See Wadad al-Qadi, "The Term *'Khalifa'* in Early Exegetical Literature," *Die Welt des Islams* 28 (1988): 392–411.
45. M.A. Shaban, *Islamic History: A New Interpretation I A.D. 600–750 (A.H. 132)* (Cambridge, 1971), 19: 56–57.
46. Al-Tabari, *Ta'rikh*, 2:569. See further my discussion of these various titles and what they connoted in *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership* (Leiden, the Netherlands, 2002), 160, fn. 56.
47. This is reflected in the famous hadith "The caliphate after me will last thirty years and then it will become kingship *(mulk)";* variants of this hadith are listed by Abu Da'ud, al-Tirmidhi, and Ibn Hanbal, according to A.J. Wensinck, *Concordance et Indices de la Tradition Musulmane* (Leiden, 1967), 6: 257.
48. A comprehensive study of this subject was made by Louise Marlowe, entitled *Hierarchy and Egalitarianism in Early Islamic Society* (Cambridge, UK, 1996).
49. See further my monograph *Excellence and Precedence*, passim, which discusses the centrality of these principles in the creation of a paradigm of legitimate leadership in the early period.
50. Cf. Sheila McDonough, *Muslim Ethics and Modernity: A Comparative Study of the Ethical Thought of Sayyid Ahmad Khan and Mawlana Mawdudi (Comparative Ethics)* (Waterloo, ON, 1985), 90–95.

51. See the illuminating discussion clarifying a number of these critical juridical concepts by Tariq Ramadan, *Western Muslims and the Future of Islam* (Oxford, 2004), Chapter Two, 31–61.
52. Al-Shafi'i revised his *Risala* in Egypt (it is this new version that has survived) and formulated a "new doctrine" *(al-jadid)* there, which is reflected in his *Kitab al-umm*; cf., for example, the article "Al-Shafi'i," in the *Encyclopaedia of Islam*, new edn., ed. H. Gibb et al. (Leiden, 1960–2000), 9: 181–185.
53. Nasr, *Mawdudi*, 135.
54. Ibid., 136.
55. Ibn Maja, *Sharh adab al-qadi*, ed. Abu 'l-Wafa' al-Afghani and Muhammad al-Hashimi (Beirut, 1994), 19.
56. Fazlur Rahman, *Major Themes*, 47; also cf. Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh* (Cambridge, UK, 1999), 3.
57. This is one of the five legal categories (Ar. *ahkam*, literally "rulings") within Islamic law, which assigns moral and legal value to specific acts. The other categories are obligatory, recommended, discouraged, and prohibited. For a relatively brief, accessible overview of the development of Islamic law and jurisprudence and the distinction between the two, see Mohammad Hashim Kamali, "Law and Society: The Interplay of Revelation and Reason in the Shari'ah," in *The Oxford History of Islam*, ed. John L. Esposito (Oxford, UK, 1999), 107–153.
58. Parts of this section are derived from my article "The 'Islamic State.'"
59. See the discussion of this issue in my book *The First Muslims: History and Memory* (Oxford, UK, 2007), Chapter Two.
60. See al-Maqrizi, *Khitat* (Cairo, 1934), 2: 220. See further the article on "Siyasa Shar'iyya," *The Encyclopaedia of Islam*, new edition, ed. H.A.R. Gibb et al. (Leiden, 1960–2003), 9: 694–696.
61. Ira Lapidus, "State and Religion in Islamic Societies," *Past and Present* 151 (1996): 24.
62. See his *al-Mawaqif fi 'ilm al-kalam* (Cairo, 1983), 396–397; see further Hayrettin Yücesoy's chapter in this book for greater elucidation of this point.
63. For example, al-Tabari, *Jami' al-bayan fi ta'wil al-qur'an* (*Tafsir al-Tabari*) (Beirut, 1997), 14: 438–439; Ibn Abi Da'ud, *Kitab al-masahif*, ed. Arthur Jeffrey (Leiden, 1937), 50–52, 85–87, where several Companions are described as authoritatively and on an equal footing discussing variant readings of Qur'anic verses.
64. Nasr, *Mawdudi*, 135–138.
65. The two verses read: "Indeed we have revealed the Torah in which there is guidance and light, by which the prophets who surrendered [to God] judged the Jews, as did the rabbis and the priests in accordance with the Book of God which had been vouchsafed to them and to which they themselves bear witness. Do not fear humankind but fear Me, and do not sell My revelations for a trivial sum. Those who do not judge by what God has revealed are unbelievers" (5:44). "We prescribed for them life for life, the eye for the eye, the nose for the

nose, the ear for the ear, the tooth for the tooth, and retaliation for injury. But whoever charitably foregoes it [the retaliation], that shall be expiation for him. Those who do not judge by what God has revealed are wrong-doers" (5:45).

66. For this discussion, see Fazlur Rahman, *Major Themes*, 74–75.
67. See my "Obedience to Political Authority: An Evolutionary Concept," in *Islamic Democratic Discourse: Theory, Debates, and Directions*, ed. Muqtedar Khan (Lanham, MD, 2006), 37–60.
68. 'Ali 'Abd al-Raziq, *al-Islam wa usul al-hukm* (Beirut, 1966).
69. For a useful discussion of this crisis over the caliphate, and of 'Abd al-Raziq's views, see Hamid Enayat, *Modern Islamic Political Thought* (Kuala Lumpur, Malaysia, 2001), 78–103.
70. Nasr, *Mawdudi*, 135–140.
71. Cf. Khaled abou El Fadl, "Terrorism Is at Odds with Islamic Tradition," op-ed piece published in the *Los Angeles Times*, August 22, 2001.
72. See, for example, the article by G.W. Trompf, "Millenarism: History, Sociology, and Cross-Cultural Analysis," *The Journal of Religious History* 24 (2000): 103–124.

8

The Political Philosophy of Islamic Movements

M. A. Muqtedar Khan

Introduction

The contemporary resurgence of Islam is primarily seen from a political perspective, hence the popular appellation—political Islam.[1] The challenge that political Islam has posed to the present world order has in many ways undermined or threatened to undermine immediate western political and economic interests in the Muslim World. The loss of Iran in 1979 to Ayatollah Khomeini's Islamic Revolution deprived the United States of a rich and servile ally that guaranteed and subsidized the perpetuation of U.S. hegemony over Middle East and its oil resources.[2] Similarly, with the growth of Islamic movements in Sudan, Turkey, Algeria, Tunisia, Egypt, Pakistan, Malaysia, Indonesia, Lebanon, Saudi Arabia, and Palestine, the threat to western influence and their authoritarian ruling allies has become increasingly more potent.[3]

Needless to say, these conditions have brought greater attention to the now global phenomenon of Islamic resurgence. However, this attention has been mainly geopolitical in its focus. Many scholars have made an effort to go beyond the discourse of "The Threat" in order to study Islamic movements and their leaders.[4] Biographies of Islamists and detailed studies of Islamic movements and organizations have surfaced.[5] Analysis of the phenomenon as well as its discourse has also been published.[6] But what is missing is a philosophical synthesis of the Islamist discourse that does not start with the premise that the contemporary resurgence of Islam is driven by a reactionary polemic and sustained by political and selective interpretations of the Qur'an and Islamic traditions.

This chapter is one small step in that direction. Its point of departure is the well-established Islamic tradition of revival and reform.[7] Revival *(tajdid)* and reform *(islah)* are Islam's internal mechanics for self-purification and for the periodic transcendence of its corporate self.[8] These two concepts constitute a tradition that has the responsibility of safeguarding the Muslim *umma* (community) from deviating too much from the principles and practices of the Islamic faith.[9] This tradition has become the philosophical foundation for anchoring and justifying efforts toward contemporary Islamic revival and reform. The *mujaddid* (the reviver) is the central personality and also the main theoretician who leads the effort to revive Islamic values and to reconstruct Muslim society.[10] According to a tradition (hadith) of the Prophet Muhammad, a *mujaddid* will come at the beginning of every century in order to arrest the decline of Islamic practices and to revive adherence to Islamic values and principles.[11] This same *mujaddid* is also a reformer since there can be no revival without reform. Thus *tajdid* and *islah* are concomitant.[12]

Ijtihad, the use of independent reasoning and reinterpretation of the Qur'an and Islamic traditions, is the standard tool of the *mujaddid.*[13] *Ijtihad* is an important epistemological vehicle within Islam that protects it from stagnation, irrelevance, and anachronism.[14] Through *ijtihad*, the reviver finds the empowerment that allows him to revitalize Islamic beliefs by contextualizing them—by relating Islam to the immediate existential conditions of Muslims. By reinterpreting reality through Islamic lenses and simultaneously reinterpreting the sacred texts with a steady eye on contemporary conditions, the *mujaddid*s systematically reduce the distance between text and time, between reason and revelation, between conscience and consciousness, between the here and the hereafter, and between values and politics. In the contemporary *mujaddid*, the three functions of revival (of values), reform (of society), and reinterpretation (of texts) have merged to create a powerful persona that has the potential to transform the nature of world politics and history.

Since Jamal-ad-Din al-Afghani (d. 1897) started calling for the expulsion of the British and foreign rulers from Muslim lands, there have been a stream of *mujaddid*s struggling to revive Islamic identity and "Muslimness" in order to create a strong community of believers (the *umma)* who would restore the past glory of Islam.[15] They have sought to reform Muslim societies languishing in corrupt and un-Islamic traditions in order to liberate and reconstruct a vibrant civilization. These *mujaddids*, like secular modernizers such as Kemal Ataturk in Turkey, strive to liberate Muslim energies and creativity from stifling traditions, in order to catch up with the times. The secular modernizers have, following western Weberian theories of modernization, placed the blame for underdevelopment on

Islam and Islamic traditions, and sought to minimize its role in modern postcolonial states. The *mujaddid*s, in their pursuit of modernization as well as Islamic revival, have sought to attack un-Islamic traditions, such as *taqlid* (blind imitation), which had gained firm foothold over Islamic institutions, beliefs, and practices.[16]

For the contemporary *mujaddid*s, who make keen distinctions between "true Islam" and "un-Islamic traditions," Islamization is modernization. But they are careful to differentiate between westernization and modernization. For many contemporary *mujtahid*s (scholars who engage in exegesis of the Qur'an), the emergence of state-patronized *ulama*' (clergy) and the institutionalization of *taqlid* (imitation of a Muslim legal scholar) are the two most important reasons for the decline of the Muslim *umma*. Liberation from these two conservative institutions, the *mujaddid*s believe, will open the floodgates of creativity that have been stifled for centuries. In this sense, the contemporary Islamic revival is a struggle for freedom—freedom from blind imitation and institutionalized conservatism. It is a movement toward the transcendence of the Muslim corporate self through liberation from decadent and cancerous traditions that have corrupted Islam and stunted the creativity of the *umma*.[17]

This chapter is an account of the contemporary *mujaddid*s' interaction with texts and reality. It is an attempt to study their discourse as a political philosophy. Perhaps, such an attempt to examine a discourse from a foreign epistemological framework may do injustice, even violence, to the discourse itself. But the failure to do so would perpetuate the misunderstandings, prejudices, and even hostility that exists in the West with respect to Islam and its present resurgence. This chapter will seek to familiarize and de-estrange Islamic discourse from western political thought. While it will seek to include the works of many contemporary Muslim revivalists, the focus will be on the ones who have had the most impact—Maulana Maududi, Syed Qutb, and Ayatollah Khomeini. The chapter will also examine the ideas of more recent Islamist thinkers, such as Rachid Ghannushi of Tunisia, Muhammad Khatami of Iran, and Necmettin Erbakan of Turkey.

Discourses of Islamic Resurgence as Political Philosophy

Leo Strauss in his essay "What is Political Philosophy?" provides a useful definition of what is conveyed when we claim that a body of thought constitutes a political philosophy.[18] He argues that political philosophy is "the conscious, coherent and relentless effort to replace opinions about the political fundamentals with knowledge about them."[19] Furthermore,

Strauss suggests that political philosophy is the attempt "to know both the nature of political things and the right, or the good, political order."[20] This chapter argues, notwithstanding other claims,[21] that the discourse of contemporary Islamic resurgence, when divested of its polemical content, constitutes a political philosophy of Islam at least in a Straussian sense.

However, before such a claim can be elaborated, the distinction that Strauss makes between political theology and political philosophy needs to be addressed. Strauss' claims that political theology is political teachings based on divine revelation are predicated on a Christian understanding of revelation. In Islam, the principle of *ijtihad* is the vehicle that employs "human reason" and "independent judgement" in order to contextualize the significance of revelation. Thus, through a fusion of reason and revelation, "truth" is made temporally relevant. Thus the ahistorical and acontextual truth—the Truth—which is contained in the Qur'an, is accessed via reason to articulate "applicable truths," which are relevant to a specific time and place. This understanding of the nature of revelation and its relation to reason is the foundational principle of contemporary Islamic political philosophy. The *mujaddid*s in their discourse not only discuss the nature of things that are political, such as sovereignty, state, constitution, laws, citizenship, imperialism, colonization, hegemony, revolution, change, and power, but they are also seeking to articulate the "just order," which would be ruled by the just and the virtuous and inhabited by those who value justice and virtue. Once the veils of strangeness are removed, it is easy to see the quest for the virtuous republic, for the just and peaceful order, in the discourses of political Islam.

Following prominent scholars in the field I shall refer to the contemporary resurgence of Islam as Islamism. Most scholars who have attempted to understand the Islamist discourse have primarily explained it as a political movement in pursuit of power. More discerning and less dismissive students of Islamism have pointed to the search for Islamic identity in the modern world as a central aspect of Islamist discourse. It is also seen as an attempt to search for a place for the "Muslim self" in the postcolonial world.[22]

The devastation of Islamic institutions and their bases for social cohesion and identity under western colonization and the failure of modernization to alleviate the material conditions of the Muslim world have combined to create a crisis to which Islamism is a response. Muslim leaders, like Maududi, Qutb, and Khomeini, who attribute the decline to departure from "the straight path," have looked to Islam for solutions. The response has been a global wave seeking a reprieve from the harshness of reality—from poverty, from authoritarianism, from foreign manipulation, from Zionism, and from pernicious shadows of the past. The Islamist

discourse in its spontaneity, its anger, its polemic, and its anguish seeks to simultaneously raise these issues and offer solutions.

Synthesizing this diverse discourse is not exactly an easy task, especially since all Islamists keep shifting from the particular to the universal with great dexterity. However, one can identify three prominent discursive themes that can be considered as the constitutive pillars of Islamist philosophy. We can know these three central themes by knowing their nature—they are *critical* in character, *reconstitutive* in scope, and *programmatic* in their endeavor. The dominant theme is the critical philosophy of Islamism. It is dominant for it supports and thrives on the large polemical content of Islamist discourse. The second and the most sophisticated theme is the reconstitutive philosophy. It engenders the discourse on the need for reform of the decaying Muslim society and its inefficient and autocratic states. It is also the source for the call for *ijtihad*—reinterpretation of Islam.[23] The third theme is yet underdeveloped. It is the positivist and programmatic philosophy of Islamism that seeks to go beyond the slogan of "Islam is the solution" to actually articulate specific policies.

The Critical Dimension

The political discourse of Islamists began as an attempt to articulate a critique of imperialism, westernization, and the de-Islamization of society. In the twentieth century, the works of Maulana Maududi, Ayatullah Khomeini, Syed Qutb, and Hasan al-Turabi have combined to evolve into a complex critical philosophy. The main objects of their critique are modernity, the West, the postcolonial state, and the dominant hegemonic coalition in the Muslim world. Many of the fears of Islamic resurgence in the West, at least at the popular level, is a response to the polemics that accompany the critique. Islamists have used polemics as a tool to mobilize mass consciousness. But a limited focus on that has detracted many students of Islamism from coming to terms with the more concrete and philosophical dimensions of their critique.[24]

Critique of Modernity

Recognizing that modernity privileges human sovereignty over and above everything, thus challenging the very existence of a "God" and his intervention in human affairs, Islamists have attached great significance to asserting "God's sovereignty." Their discourse is overwhelmingly theocentric and their politics increasingly legalistic. By legalistic I am alluding to their insistence that the Shari'a (Islamic law) be declared paramount.

Their critique of democracy, even though they seek democratization by demanding political participation, is a rejection of human agency in promulgating legislation. Laws can only be created by the Creator, for he alone is sovereign. In attacking anthropocentrism and the sovereignty of human agency, Islamists have demonstrated their ability to identify the philosophical foundations of modernity and a capacity to discursively challenge it.[25]

Islamists have attacked the current western notions of freedom. Interestingly their critique of freedom is more Kantian than they realize. They argue that for the West, freedom means freedom to do whatever one wishes, whereas freedom should mean freedom to do the "right thing." Thus freedom is freedom to assert God's sovereignty, freedom to fulfill His wishes in private and public life, and freedom to purify and inculcate righteousness in the self.[26] Freedom, Islamists insist, is not the opportunity to submit to slavery of one's passions. Freedom is freedom from the slavery of passions *(naf*s) and the opportunity to act righteously to create the just order. It is not a license to be morally decadent and sexually promiscuous, as they see the West to be. Such a conception of freedom deprives humanity of its dignity rather than bestowing it with nobility and responsibility, as did Islam.[27]

Islamists critique modernity for understanding equality as *equality of opportunity*. Equality for them is the *equality of outcomes*, not that of opportunity. Islamists point out that modern political arrangements (such as capitalist democracy) perpetuate gross inequities both within the developed world and the underdeveloped world. Mirroring dependency theories of international political economy, they critique international economic institutions for engendering inter-state inequity in the name of development and modernization.

On the subject of human rights, they dismiss modern critiques of Islam as ignorant and prejudiced. Here again they deny the existence of human rights on ontological grounds. Rights in Islam are never divorced from correlative duties and obligations. For the Islamists, modernity's break with God is manifest in its focus on rights without duties. They believe such a formulation is ethically unviable and preposterous. They remind human rights activists and Muslims that Islam encompasses both the rights of human beings *(huquq al-nas)* and the rights of God *(huquq Allah)*. While western critiques focus on civil and political rights, Islamists' conception of rights includes political, economic, and religious rights and duties.[28]

In the same theocentric vein, Islamists also attack the notions of secularism and nationalism. While the former is seen as a means for separating politics from ethics, the latter is seen as too particularist for the universalist aspirations of Islam. Islamists see Islam as a comprehensive way

of life that includes *din* (faith), *dawla* (the state), and *dunya* (the world). Thus this *tawhidi* (based on the idea of unity of the creation) perspective denies the separation of religion and state, and ethics and politics. In Islam morality and ethics are well within the purview of *din*—faith. Thus separation of *din* from *dawla*, faith from state, would automatically sunder politics from ethics. Nationalism is seen as an artificial source of identity that separates Muslims from their brethren and undermines the unity of the *umma.* Therefore, Islamists reject secularism and nationalism, the fundamental elements of modernity.[29]

The tension between Islamists' critique of modernity and their appreciation of some of its fruits is not very well explored in the literature. While Islamists are aware of this, they fudge the situation by juxtaposing the term "scientific" for what they like (since they are not opposed to technology and science, which are seen as God's bounties) and "western" for what they despise. For instance, they are attracted to the democratization of knowledge as a consequence of technology (computers, publishing), but are opposed to the moral decadence and increases in crime and drugs that seem to go with modern societies. They would like to inherit the fruits of modernity while disowning its negative consequences. Some Muslim revivalists who are considered modernists, like Muhammad Abduh, have been more articulate and guarded in their critique of modernity. In that sense Islamists are not far removed from the concerns of philosophers in the West who are concerned with the "discontents of modernity."[30]

Critique of the West

This aspect of Islamist ideology is well studied and perhaps the best known in the West. The Islamists are critical of the West for colonizing and exploiting Muslim lands for their economic resources. The colonial experience not only destroyed the institutions that held the *umma* together and well within the Islamic umbrella, but it also destroyed their self-confidence, a malady from which it still suffers. The fragmentation of the *umma* and the creation of artificial territorial polities is one of the lasting and debilitating legacies of European domination. The creation of Israel, its conquest of Jerusalem, and the dehumanization of Islam and Muslims in the world media to defend and justify Israeli aggression and military domination is seen as the continuation of the Crusades and colonialism by the West.[31]

The West is seen as a hypocritical culture that is heavy on moral and ethical rhetoric but Machiavellian in political action. The delay in coming to Muslim aid in Bosnia, the refusal to condemn Israeli attacks on Palestinian women and children, and the development of Israel's nuclear,

chemical, and biological weapons program, even as the West champions human rights and disarmament, are all seen as examples of its hypocrisy. The West crows about the virtues of democracy and human rights but begrudges Muslims those very ideals in Algeria, in Iran, and in Palestine. Islamists have not forgotten how the West heralded self-determination and political freedom as ultimate virtues, but killed millions of Muslims when they sought freedom from colonialism.

Islamists also see the West as supporting decadent monarchies in the Gulf and authoritarian regimes, as in Egypt and Algeria, to frustrate their attempts to reform their own societies. They see them aligned with autocratic and dictatorial secular regimes, which massacre their own populations to stay in power. They see the West's political influence as thwarting their efforts, and view its cultural influence as threatening to Islam itself. Thus, increasingly, the Islamic renaissance is facing the global threat of an imperialist, hypocritical, and hostile West. The *threat to Islam from the West* is therefore one of the dominant themes in the Islamist discourse.[32]

Critique of the State and the Ruling Coalition

The primary target of the Islamists' critique is the ruling coalition of secular intellectuals, authoritarian elite, and the corrupt *ulama*' who have allowed the state to use religion for its own purposes. A Jamaat-e Islami spokesperson referred to this hegemonic coalition, prevalent in nearly all Muslim states, as the "unholy trinity." While the state and its epistemic constituency is criticized for implementing un-Islamic laws, making peace with Zionist Israel, and succumbing to the imperial interests of the United States, the *ulama*' are castigated for legitimizing these practices.[33]

Islamists see the state as having betrayed the interests of its masses by selling out to western powers. The return of the Shah after a CIA-sponsored coup had scuttled democracy in Iran in 1956, and his eagerness to share 50 percent of Iran's oil profits with foreign firms is one of many such incidents. Islamists also point to the Camp David accord and the continuation of Israeli aggression in expanding settlements, as well as the invasion and occupation of southern Lebanon until 2000, as other instances during which Middle Eastern regimes have sacrificed national and Muslim interests to maintain their relations with the West.[34]

The state and its secular intellectuals are seen as collaborating with their Zionist and Christian allies in destroying Islam and its sacred traditions. The *ulama*' by not openly challenging these state activities are seen as providing legitimacy to these regimes. The *ulama*' are found

guilty of perpetuating *taqlid*, hindering the progress of the *umma* and the development of a more powerful and reconstituted Islam that is capable of meeting contemporary challenges. Islamist critical philosophy has helped create mass social movements and institutions of civil society in the Middle East by generating public interest in political affairs and exposing the policies of the state. The failure of Middle Eastern nation-states to respond adequately through modernization and economic development has given further credence to the Islamist critique of western modernity. Prosperity and progress is missing, and the freedom to believe is brutally curtailed. Modernity seems to merely attack Islamic family and religious values without delivering any of the promised fruits, such as prosperity, progress, and freedom.[35]

The Reconstitutive Dimension

It is needless to say, that to a student of Islamic resurgence with philosophical affinities, the reconstitutive dimension has the most intellectual appeal. Reconstitution implies a systematic application of *ijtihad* in order to derive contemporarily relevant moral and political guidance from the sacred texts. It is here that the gap between text and time is reduced. The process of reconstitution involves analysis of the sociopolitical condition of the *umma* from an Islamic perspective, in order to examine the degree of the Islamization of society. Having done that, the Islamists then turn to the Qur'an and Islamic traditions in search for principles that can shed light on these issues.

This process is very different from what some Islamists suggest, which is a return to the implementation of the Shari'a in a literal sense. But even these groups are concerned with the reconstitution of society itself. They argue that through *da'wa* (invitation to Islam), an Islamic society can be created that is committed to an *a priori* implementation of Islamic law and creation of an Islamic state. If such a society exists, then they will not wish to violate Islamic laws and there will be no need to rethink Islam. But many in the Muslim world believe that the *ulama*' have allowed Islam to become stagnant, which is the cause for the decline of the *umma*. The philosophy behind this entire project, whether it comprises the reconstitution of society or Islamic Shari'a, is a Qur'anic verse:

> *Truly God does not change the condition of a people until they (first) change their conditions in themselves. (13:11)*

Thus the impulse for change is the overriding concern. The philosophy of change is also based on the article of faith that Islam is a value system for all

times and all places. An adherence to true Islamic principles is empowering and the primary reason behind the rise and growth of the great Islamic civilization.

The movement of reconstitution is gathering speed and momentum. It is gradually becoming the most important philosophical principle of contemporary Islamic resurgence. Here we shall discuss some of the major reconstituted concepts of contemporary Islamists. The most important idea is the concept of an *Islamic State*.[36] Classical Islam is based on the idea of the *umma* as the political unit in Islam. It is a universalist idea that does not recognize ethnic, cultural, or racial differences. To talk about an Islamic state and not an Islamic community is itself a major break from the past. It is an acceptance of the modern Westphalian political arrangement, where the major unit is that of a state.[37]

The major thinkers who started advancing the idea of an Islamic state were Maulana Maududi (d. 1979) in India and Hassan al-Banna (d. 1949) in Egypt. Maududi is the founder of Jamaat-e-Islami (Society of Islam) and Banna founded the Ikhwan al-Muslimin (the Muslim Brotherhood). These two organizations, which are transnational in character, can be considered as the two pillars of contemporary Islamic resurgence. Having accepted the modern political unit of the state, Maududi, Banna, and other political thinkers who followed them rejected other important characters of the state—nationalism and secularism. Once the idea of an Islamic state was articulated, the seeds for a contemporary political philosophy of Islam were sowed. The dialectic that drives the development of this philosophy is the tension between continuity with the past and the need to break from the past.

Islamists argue that it is only through the realization of an Islamic state that justice and order can prevail. It is with these *maqasid* (objectives)—justice and peaceful order—in mind that the nature of this Islamic state was elaborated by Maududi and Banna and later by Khomeini and al-Turabi.[38] Interestingly, the Islamists focus more on the character rather than the architecture of *the* Islamic State. It is *Islamic governance* that they really seek. Perhaps that is why it was not difficult to embrace the idea of the state that was new to Islam. The Islamic State in Maududi's, Banna's, and Khomeini's terms is a virtuous republic ruled by a virtuous elite, where sovereignty is God's but delegated to his vicegerent on Earth. It is only in the articulation of what constitutes the "good" and the "just" that Muslim philosophers now refer to textual sources; for all other matters, reason based in Islamic tradition is the sole source.[39]

Two other important consequences of *ijtihad* that have contributed to the larger ideal of the Islamic State have been the redefinitions of *jihad* and sovereignty. Maududi and Khomeini redefined the idea of *hakimiyya*

or sovereignty.[40] While they continued to refer to sovereignty as belonging only to God, they used the idea of man as God's *khalifa* (vicegerent) to place practical sovereignty in human agency. Khomeini chose the clergy as the repository of this practical sovereignty while Maududi placed it in the hands of the masses. Banna's position while being a little ambiguous was closer to Maududi's.

In principle, by couching popular sovereignty in divine terms, both Khomeini and Maududi have laid the seeds for an Islamic democracy. All Islamists have reiterated the importance of *shura*—consultative governance—as an integral element of the Islamic State. Together, *shura* and vicegerency make powerful instruments for popular governance. Contemporary Islamists such as Anwar Ibrahim, Necmettin Erbakan, Rachid Ghannushi, and Hasan al-Turabi have boldly advanced the democratic character of the Islamic State without compromising its ultimate goals. They clearly assert that democracy is not the goal, only a means. It is a just and moral and virtuous order that is the goal.[41]

Jihad is the Islamic sanction to defend Muslim lands from aggressors and to fight any resistance or hurdles to the practice of Islam. It has been classically understood as primarily a defensive war that was permissible only against foreign nonbelievers. However, Syed Qutb, a member of the Egyptian Muslim Brotherhood, redefined *jihad* as resistance to tyranny, corruption, and the practice of un-Islamic governance, thereby sanctioning its use for internal purposes, in particular against the state itself. For centuries, the *ulama*' have preferred order to justice and discouraged violent opposition to unjust rule. For the Islamists, this is a clear sign of the collusion of the *ulama*' with the ruling elite.

Qutb transformed the principle of *jihad* into a revolutionary process that would be used to rebel against unjust and un-Islamic governments. Thus, in pursuit of the just order represented by the Islamic State, the Islamists now possess a very powerful moral weapon—the modern *jihad*, reconfigured as the just rebellion. Western readers may see similarities in Qutb and Locke, who too justified revolution against rulers who violated the social contract. Islamists justify revolution against rulers who violate the divine contract.[42]

The Islamists are far from becoming successful, perhaps because they are still in the making at the philosophical level. The reconstitutive philosophy of Islamism is the only positive aspect of the political turmoil in Muslim lands. But for Muslims this is a revolutionary period in history; they are seeking nothing less than a renaissance. And if a renaissance will come, then it will surely be riding the intellectual advances made by the reconstitutive philosophy of contemporary Islamists. Critical philosophy can be a powerful instrument but it can only go so far. Alternative

thinking is imperative for the reconstruction of a weak and marginalized civilization.

The Programmatic Dimension

The early Islamists were able to articulate a modern Islamic position and motivate large sections of Muslim societies to seek an Islamic structure in the postcolonial era. Except for Ayatollah Khomeini, who realized his dreams by orchestrating a spectacular revolution in Iran in 1979, most Islamists have failed to realize their ideal Islamic State. Some of them have managed to come to power—Hassan al-Turabi with the help of a military coup in Sudan and Necmettin Erbakan through electoral politics in Turkey. Much water has flown under the bridge since Islamists raised the slogan "Islam is the solution!" Islamic resurgence has gained considerable momentum but has also stagnated a bit, unable to get past the repressive and authoritarian states that dominate life in the Muslim World.

Early Islamist discourse was characterized by brilliant ideas, pungent polemics, and a naive idealism. The first generation of Islamists was guided by two overriding objectives. Their first objective was to revive interest in elements of Islam that go beyond ritual and spiritual issues. Their focus was to drive home the point that Islam was not just a religion but a "complete system," which could provide answers to existential as well as temporal questions of sociopolitical organization. Second, they tried to increase the political influence of Islamic ideas and tried in essence to crystallize an Islamic society with an Islamic state as the central vehicle, as they conceived it.

While the critical and reconstitutive elements of their discourse were truly path-breaking in Islamic thought, their ideas remained difficult to implement. More questions than answers seemed to surface as the Islamic movement gained momentum. Some of the questions struck at the heart of Islamist thinking. How does one operationalize "God's sovereignty"? What does *shura*-based governance mean in the modern context? How will the Islamic State deal with minorities and issues of human rights? Will women be treated in a medieval or modern fashion? How are Islamists going to deal with Muslims who are practitioners of ritual Islam but are skeptical, even suspicious, of political Islam?

In response to these questions, a new breed of Islamists has emerged. I call them the "second-generation Islamists." Second-generation Islamists are more concerned with the practical implications of the claim "Islam is a complete system." They are trying to go beyond politics and polemics and are trying to find practical and policy-oriented solutions.

Rachid Ghannushi writes that "The uneducated think that the Islamic program is a ready-made entity: stick it in the mud and implement it";[43] yet he is aware that unless the Islamists can advance specific and particularized interpretations of Islamic principles with direct correlations to specific existing conditions, their claim that "Islam is the solution" will ring hollow and be exposed for being nothing but a rhetorical gambit. In order to face this crisis, second-generation Islamists have added a more pragmatic or *programmatic* quality to the Islamist discourse.

The most important element of second-generation thinking is the development of reflection, introspection, and self-criticism. It is in this singular respect that Islamists like Rachid Ghannushi stand out from the Maududis and the Qutbs. It is this progressive element that has prompted me to call them "second-generation Islamists," for they are indeed an intellectual step ahead of those from the previous generation.[44] It is through their work that the ideas and claims of the pioneers become more salient and meaningful. They also provide new life to the Islamic revival. Turkey's Necmettin Erbakan, the leader of the Refah Partisi (Welfare Party),[45] would also qualify as a second-generation Islamist, as would the former president of Iran, Muhammad Khatami. Hassan al-Turabi of Sudan remains an enigma; he is more like a pioneer facing the dilemmas of the second-generation Islamists. Perhaps he and his ideas are a bridge from the first to the second generation.

The discourse of second-generation Islamists is characterized by an affinity for democracy. Erbakan has already provided the Islamic revivalist movement with a priceless precedent. He has shown that Islamists can come to power through democratic process, run a democratic government, and then give up power without seeking to destroy the democratic credentials of the state and without resorting to meaningless violence. He has proven wrong all those (especially in the American establishment) who claimed that Islamists only believe in one vote-one time. Ghannushi himself has gone on record saying that not only are Islam and democracy compatible but perhaps the best way toward Islamization is through democracy. He writes, "I don't see any choice before us but to adapt the democratic idea."[46] Khatami too has repeatedly expressed his concern for developing the institutions of civil society and has emphasized the need for the government to obey the law. This is a remarkable departure from the totalitarian tendencies of the early Islamists.

The second-generation Islamists are, at the moment, rare, and therefore have not yet developed as large a body of literature as their predecessors. Of the three identified as second-generation Islamists, only Rachid Ghannushi has written extensively, but the actions of Erbakan and Khatemi while in power speak volumes about their ideas. It is clear that besides

self-criticism and reflection, three major themes dominate the discourse of second-generation Islamists. These themes are power sharing, Islam and democracy, and civil society.

Islamists have gained significant sympathy for their cause in most of the Muslim World. Except in Iran, where they were able to realize a historic revolution, nowhere else have they gained enough popular support to gain political power. In Algeria they did enjoy majority support in 1992, but a secular military compromised the emerging democratic movement in Algeria to frustrate them. In most societies, Islamists enjoy support just enough to become a major force but not enough to ride to power. This enduring stalemate with secular nationalists has compelled Islamists to examine the possibilities of sharing power with them.

For this reason, Ghannushi believes that "Realism and flexibility are among the most important features of Islamic methodology."[47] He argues against the all-or-nothing option and recommends strongly that believers must choose to share power with secular groups. This is indeed a major departure from the revolutionary attitude of early Islamists. Ghannushi's realism and flexibility is opening up avenues for the gradual and evolutionary transformation of Muslim society. Using examples from the past, including the instance of the prophet Yusuf (Joseph) taking a high-ranking position with the Pharaoh, Ghannushi argues for a pragmatic politics, including cooperation with secular parties and governments.[48] This position may be new to Arab Muslims, but Muslims in India have been sharing power and working in a democratic environment with Hindus for nearly half a century. Thus, what Ghannushi is suggesting is not completely alien to the Muslim experience.

Erbakan has already provided a model of power sharing in Turkey by forming a coalition government with the secular True Path Party. Interestingly in Malaysia, Islamist sympathizer Prime Minister Mahathir Mohammed and his deputy, former Islamist Anwar Ibrahim, have successfully employed a power- and wealth-sharing formula with secularists as well as with non-Muslim minorities.[49] Power sharing is a crucial idea for the survival of Islamic movements. It shows that they are willing to be more flexible and pragmatic and are not threatening to completely eliminate secular politics and interests. Tactically, it is an interesting move, for it can ideally prevent conflicts with secular states from emerging as a result of an all-or-nothing posture.

Intellectually, power sharing offers a greater challenge to Islamists. For now they have to find a concept that is intermediary between the secular nation-state and the Islamic State. It is here that the Islamist's interest in democracy and civil society plays a pivotal role. Contemporary Islamists are realizing that in a society that is so deeply divided between secularist

and Islamist tendencies, an open and free environment will help them more than those who are already entrenched in positions of power. Clearly, the merits of a free society that will allow them to openly advocate their position and that allows facilitation of participation is increasingly appealing to Islamists. It has been suggested elsewhere that given the mood in the Muslim World, a democratic society may advance Islamist interests. The Islamists will do better if they follow the sequence of democracy, then Islamic society, and finally the Islamic State.[50]

Call it pragmatism or an inescapable movement of history, Islamists too are now caught up in the global discourse in support of democracy. Islamists like Ghannushi, Erbakan, and Khatami have repeatedly declared their preference for democratic governance. Thus, Islamists employ two kinds of discursive strategies in their discourse on democracy. First, like some western scholars, they argue that Islam and democracy are compatible. For instance, Ghannushi writes "Gross errors in judgment are made when either modernism or democracy are deemed incompatible with political Islam."[51] Maududi also has written extensively on the compatibility of Islam and democracy, basing his arguments on the concept of *shura*, understood as consultative governance. Second, they try to articulate an Islamic conception of democracy based on the sovereignty of God.[52]

Both before and after his presidency, Muhammad Khatami has strongly supported the development of civil society and the participation of political parties, and has demanded that the government respect the law. Khatami's interest in democracy and civil society runs deep. Just before he won the presidential elections, Khatami translated Alexis Tocqueville's *Democracy in America*. In his first speech after becoming president, he emphasized the need for his government to obey the laws of the country.[53] Erbakan's Refah Partisi has participated at various levels of government and shared power with secular parties. Remarkably, even after it was banned by Turkish courts for allegedly pro-Islamic activism and for challenging the secular nature of Turkey, Refah has not resorted to violence or to any undemocratic means. This is the second time in three decades that Islamists in Turkey have shown restraint and a preference for democratic means, even as secularists have resorted to military coups.[54]

Through new ideas and practical experiences, second-generation Islamists have added a *programmatic* and invigorating element to the emerging political philosophy of Islamic resurgence. They are grappling with the issues of democracy, civil society, and political pluralism. While it is too early to say that second-generation Islamists will become the prototype for future generations of Islamists, it is possible to suggest that their mix of idealism with realism and flexibility will serve them better than the pure idealism of the early Islamists.

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9

Rethinking the Relationship between Religion and Liberal Democracy: Overcoming the Problems of Secularism in Muslim Societies

Nader Hashemi

There is a paradox at the core of the debate on Islam and democracy, which democratic theorists have generally ignored. The paradox is that modern liberal democracy requires a form of secularism to sustain itself, yet simultaneously the primary intellectual, cultural, and political resources at the disposal of Muslim democrats are theological. Reconciling this tension is critical to advancing a democratic theory for Muslim societies today.

The definition of liberal democracy employed here is one that has its origins in the political theory of John Locke, Jean Jacques Rousseau, and John Stuart Mill, where the moral basis of legitimate political authority is rooted consent, popular sovereignty, and individual liberty.[1] Though more robust than a procedural view where democracy is no more than the ability to vote for or against potential state leaders, the conception employed here is more modest than that of participatory or deliberative democrats, for example.[2] In other words, it is a medium robust definition of liberal democracy where political authority is rooted in the consent of the governed, the people rule via their elected representatives, and basic human rights as outlined in the United Nations Universal Declaration of Human Rights are upheld.[3]

In terms of secularism, the concept is a deeply contested one. Charles Taylor has noted that it "is not entirely clear what is meant by secularism."[4] In this chapter I am referring only to "political secularism," which speaks to the question of religion - state separation, not "sociological secularism," which refers to the withering away of religion in social relationships in civil society, or "philosophical secularism," which is concerned with atheism and the rejection of the divine and the transcendental.[5]

Much of the assumed tension between Islam and democracy revolves around the emotionally charged topic of secularism. Scholars such as Bernard Lewis, Samuel Huntington, and Ernest Gellner have long argued that unlike Christianity, Islam is uniquely and strongly anti-secular in its ethos and political orientation and this (alleged) enduring feature of Islamic political thought explains, in large part, the absence of secular democratic politics in Muslim societies.[6] While this chapter will not delve into this debate, suffice it to say that this debate is premised on a specific, unnuanced, and ahistorical reading of the inner theology of Islam and early Muslim political tradition, which has allegedly bequeathed a monolithic and anti-secular political model to the faithful, in contrast with the inner doctrine and early political history of Christianity, which supposedly lends itself more easily to the cultivation of secular politics. According to Bernard Lewis:

> The reasons why Muslims developed no secularist movement of their own, and reacted sharply against attempts to introduce one from abroad, will thus be clear from the contrasts between Christian and Muslim history and experience. From the beginning, Christians were taught both by precept and practice to distinguish between God and Caesar and between the different duties owed to each of the two. Muslims received no such instruction.[7]

The primary shortcoming of this perspective is that it overemphasizes the pre-modern history of Islam in assessing the relationship between secularism and contemporary Muslim politics. One implication that flows from this is that religious-based political parties/actors in the Muslim world cannot make a meaningful contribution to the development of liberal democracy and that their rise to political power should be viewed as a threat to the secular underpinnings that sustain the liberal-democratic project. To date, mainstream social science theories on political development have supported this assumption.[8] This chapter seeks to challenge this widely held perspective by rethinking the relationship between religion and liberal democracy while illuminating the question of secularism and its discontents in the political development of Muslim societies. In the course of doing so, the unexamined assumption that religious politics

and liberal-democratic development are structurally incompatible will be challenged.

The first section of this chapter explains, in part, why political secularism has weak intellectual roots in Muslim societies today. The approach is historical and comparative and will be linked to the question of a religious reformation, or the lack thereof, in mainstream Muslim political thought. In the second section, a brief survey and analysis of two Muslim countries, Indonesia and Turkey, both of which have registered significant gains for liberal democracy, will be conducted. The focus will be on the seminal role Muslim political parties have played in advancing liberal-democratic development with an emphasis on the relationship between political culture and secularism. In short, this chapter seeks to reconcile a core paradox at the root of the debate on Islam and democracy whereby the secularity of liberal democracy is affirmed, while simultaneously suggesting means by which religious-based political parties/actors can contribute to the democratization and liberalization of their societies. Accomplishing this task first necessitates a rethinking of the problem of secularism in Muslim societies.

Toward Secular Liberal Democracy in the Muslim World: Historical and Empirical Lessons

One of the most insightful scholars writing today on the relationship between Islam and democracy is Abdou Filali-Ansary. In an article entitled "The Challenge of Secularization (in the Muslim world)" written almost ten years ago, he noted that in "the Muslim world, secularization is *preceding* religious reformation—a reversal of the European experience in which secularization was more or less a consequence of a religious reformation."[9] Unfortunately, he did not expand upon this insight. Doing so would have shed considerable light on two important themes: (1) the symbiotic relationship between religion, secularism, and political culture; and (2) how liberal democracy can be promoted in Muslim societies.[10]

In the historical development of the West, a religious reformation preceded and then led to the onset of secularization. On this issue there is little debate or controversy. In retrospect, it is philosophically inconceivable to think of the emergence and spread of secularism without reference to the Protestant Reformation and the ensuing wars of religion that tore Europe asunder.[11] In other words, in the historical development of secularism in Europe, Martin Luther's 95 theses (1517) *essentially preceded* and then indirectly led to John Locke's *A Letter Concerning Toleration* (1689)–one of the first theoretical and moral justifications for the separation of religion and

state in western political thought. The reverse sequence would have been difficult to fathom primarily because the political culture in Europe at the time was unwilling to support the idea of a separation of Church and state. Indeed, any religious innovation whatsoever, prior to the Enlightenment, was viewed with deep skepticism in large part because religion was *the* source of moral authority. This is why Thomas Hobbes "was frequently attacked, in print and from the pulpit, for his supposed atheism, denial of objective moral values, and promotion of debauchery."[12] At the start of his *Leviathan*, Hobbes anticipated that this would happen and that his fiercest critics would be more upset by his novel religious arguments than by his political innovations. In his epistle dedicatory letter, Hobbes writes: "[t]hat which perhaps may most offend [people who read the Leviathan] are certain Texts of Holy Scripture."[13] His new religious ideas were simply viewed as too unorthodox to be authentic, despite his clear commitment to Christianity.[14]

John Locke, one of the founding fathers of modern liberal democracy, is relevant to this discussion. In both of his major political tracts, *Two Treatises of Government* and *A Letter Concerning Toleration*, Locke's political arguments—which had significant consequences for the development of secularism in the West—were *preceded* by a reinterpretation of Christian doctrine. In the *Two Treatises*, first the moral basis of legitimate political authority is relocated away from the "divine right of kings" (the focus of the *First Treatise of Government*—which nobody reads anymore), and then newly situated in the "consent" of the governed (the focus of the *Second Treatise of Government*). In his *A Letter Concerning Toleration*, Locke's novel religious reinterpretation of Christian doctrine acts as a preface to his new conception of Church - state relations and his general views on religious toleration. In this letter Locke diverges from the reigning Hobbesian consensus of his day (that called for the union of Church and state) and proceeds to argue that religious toleration is compatible with political order on the condition that one can "distinguish exactly the Business of Civil Government from that of Religion, and to settle the just Bounds that lie between the one and the other."[15] In other words, the normative relationship between religion and politics—if you read him closely—is first reshaped by Locke via a dissenting religious exegesis upon which a new conception of Church - state relations is subsequently built. The lesson writ large from European history, therefore, is that a religious reformation *preceded* the movement toward secularization and subsequently democratization.[16]

By contrast in Muslim societies, as Filali-Ansary notes, the reverse process has taken place—"secularization [has] preced[ed] religious reformation." This has had profound *negative* consequences for political

development in Muslim societies. The introduction of secularism into the region, first due to the colonial encounter with Europe and second due to the modernizing and repressive policies of the postcolonial state, effectively meant that the secularization of Muslim societies was a top-down process of state imposition, rather than a bottom-up process that emerged via an organic connection with civil society.

According to Vali Nasr, the strong centralizing and authoritarian policies of the Turkish state under Mustafa Kemal Atatürk became "a model of state formation in much of the Muslim world; Iran during the Pahlavi period, Arab nationalist regimes, Indonesia, Pakistan—all to varying degrees emulated the Turkish model."[17] An integral part of this development scheme meant that "[s]ocial engineering went hand in hand with the conscious secularization of the judiciary and the educational system, and with the nationalization of religious endowments, thus truncating the social political role of religion."[18]

Eminent historian Marshall Hodgson discusses this theme in his comparative treatment of the modernization of Europe and the Middle East. A critical difference he uncovers—which has had serious consequences for political development—was that the Muslim encounter with modernity, unlike in Europe, was marked by—what Hodgson called—"an acceleration of history" that resulted in a radical rupture with the past. The prime casualty of this development was that modernization was not accompanied by a parallel transformation of religious, intellectual, and political values on a mass level.

Hodgson, in a posthumously published essay "Modernity and the Islamic Heritage," tells the story of nineteenth-century Egypt. In the aftermath of Napoleon's occupation of Egypt (1798–1799), an Albanian officer of the Ottoman army, Muhammad Ali (1769–1849), seized power in 1805, destroying the old Mamluk military class and launching an extensive modernization program that transformed the Egyptian society.[19] It is because of his sweeping reforms that Muhammad Ali is credited with being the founder of modern Egypt. According to Hodgson, however, while Ali was successful in destroying the old traditional order and modernizing Egypt, "he found that the background of two centuries of steady social and intellectual transformation, which Western Europe had known, was totally lacking, and this lack restricted his ability to build certain narrow limits—limits then unfamiliar, but which were to become commonplace."[20]

Muhammad Ali's attempt to construct a new intellectual life for Egypt was embodied in the modern school system that he established. Modeled on the West, with an emphasis on schools of engineering and science, the results according to Hodgson, despite their noble intentions, had a "destructive aspect." Over time, society became bifurcated between a small

elite who were the recipient of a western and secular education and the majority who were not. The first group of students (the secularists) "had no serious knowledge of the Islamic past of Egypt, and found little sympathy for—or from—the masses of their families."[21] The second group of students were the recipients of a traditional education and "were left to support the cultural continuity of the land." The final result, according to Marshall Hodgson—which has significantly influenced the contemporary debate on religion, secularism, and democracy in Egypt—was that "one group possessed of much modern book learning which alienated them from their own people and who knew almost nothing of the very religion they professed; another group, increasingly incompetent custodians of that religion, who knew nothing of the intellectual springs of modern life."[22]

Pressing his comparison further, Hodgson compares the social impact of Napoleon's invasion of Germany (in 1813) with Egypt. The historical change that resulted "was no less rapid in Egypt than in Germany," but the critical difference was that "while in Germany it made for a more vigorous economic, social, and intellectual life, the same world-historical events had largely contrary results in Egypt." Marshall Hodgson explains why:

> For in Germany the innovations in administrative technique, in machine production, and the rest, if not quite so far advanced as in France or in England, nevertheless has been prepared by the *gradual* training of generations of former medieval clerks and craftsmen in more and more technically-advanced ways—as had been the case in England and France themselves; for fundamentally Germany was part of the same general society as were England and France. In Egypt, on the contrary, the same events tended to destroy what craftsmen's skill and what intellectual soundness had in fact existed there in the eighteenth century.[23]

Hodgson goes on to note that the "story of Egypt was repeated—usually rather less neatly, and in a wide variety of circumstances—among most of the lands of urban and literate civilization of the Eastern hemisphere. . . . [a] large proportion . . . [of which were] more or less Islamic."[24] His radical rupture thesis or—as he called it—the "drastic discontinuity" of Muslim modernity has been discussed and argued by other scholars who have reached similar conclusions.[25] The key point that is relevant for this discussion is that Hodgson's analysis complements and confirms the views of Abdou Filali-Ansary that "[i]n the Muslim world, secularization is preceding religious reformation—a reversal of the European experience in which secularization was more or less a consequence of such reformation."

While Hodgson does not explicitly refer to the relationship between religious reformation, secularization, and democratization (he was a historian, not a political scientist), his claim that the Muslim world did not

experience a "steady social and intellectual transformation" from below to match state-induced modernization from above is a reference to the underdevelopment of Muslim political culture. In other words, because of the absence of a religious reformation on the normative relationship between religion and democracy, secularism has had—and continues to have—weak intellectual roots in the Muslim world. This also explains, in part, why, today, calls for the establishment of "an Islamic State" and the union of religion and state have an appeal among the politicized segments of Muslim-majority societies. Except for a minority of the population who have been the recipients of a western education and who have internalized a secular outlook, a significant portion of the Islamic world today is responsive to political appeals that call for the integration of religion and state and a rejection of secular political principles. This is because the religious underpinnings of an underdeveloped Muslim political culture allow for it.[26]

While this is the pessimistic side of the story, the above analysis simultaneously provides grounds for optimism, as well as suggesting the way forward. If a religious reformation can contribute to secularization—and by extension democratization—an appropriate question to ask is: are these developments occurring anywhere in the Muslim world today? If so, where are they taking place and what lessons can be learned for the promotion of liberal democracy that might have an appeal across Muslim societies? Recent events in Indonesia and Turkey suggest an answer.

Indonesia and Turkey: Indigenizing Muslim Secularism and Advancing Liberal Democracy

Two countries in the Muslim world where the prospects for liberal democracy seem the brightest are Indonesia and Turkey. In recent years both countries, despite their different historical experiences, have registered significant gains for political development. This is reflected in the annual rankings by Freedom House, where Indonesia and Turkey have registered some of the highest scores in terms of political rights and civil liberties in comparison to other members of the Organization of the Islamic Conference.[27] What is relevant for this chapter is the correlation between Muslim political parties, democratization, and secularization. This relationship has received little attention to date in the scholarly literature. However, by emphasizing this connection, it contributes in a unique way to our understanding of the theoretical relationship between religion, secularism, and liberal democracy in general, and the obstacles to political development in Muslim societies in particular. While a comprehensive examination of

Turkey and Indonesia is beyond the scope of this chapter, the following brief comments are offered.

One of the intriguing aspects of Indonesian and Turkish politics in recent years has been the central role played by Muslim political parties in advancing liberal democracy. This development by itself shatters one of the key assumptions of modernization and dependency theory—and the writings of many liberal philosophers in the West—who have long maintained that religious politics and political development are structurally incompatible.[28] Critically, these same religious parties have reconciled their political theology with secularism, thereby allowing them to make important contributions to the democratization and liberalization of their societies. In both Indonesia and Turkey, calls for the creation of an "Islamic State" do not have popular appeal, in contrast with other parts of the Muslim world. An acceptance of political pluralism, democracy, universal standards of human rights, and—critically—political secularism now have roots in their respective political cultures, and for the foreseeable future this trend seems likely to continue.

The Case of Indonesia

Indonesia, like the rest of the Muslim world, experienced an Islamic resurgence in the later half of the twentieth century. This resurgence played a central (and often-neglected) role in opposing the authoritarianism of the Suharto regime (1966–1998) and in the democratic transition that followed his ouster. A distinguishing feature of this religious resurgence—in contrast to the rest of the Muslim world—has been its tolerant and democratic orientation. Robert Hefner describes mainstream political Islam in Indonesia as "civil pluralist Islam" that comes "in a variety of forms," yet its main features are "denying the wisdom of a monolithic 'Islamic' state and instead affirming democracy, voluntarism, and a balance of countervailing powers in a state and society."[29] The role of Islamic intellectuals has been central to the development of a liberal and progressive interpretation of religion, which today is a central part of the political landscape of Indonesia.

What has been noteworthy about the role of Islamic intellectuals in Indonesia's democratic transition has been their engagement with the topic of secularism. Nurcholish Madjid and Abdurrahman Wahid are two leading figures of this modern Islamic intellectual current. Rather than shying away from the relationship between Islam and secularism, they have faced this issue directly and have gradually constructed a political theory of Muslim secularism that has become a central ingredient of Indonesian Islam.[30] Both men possess solid religious credentials and have organic ties

to civil society, which has both contributed to their success and given their political theology a broad exposure.

Hefner notes that Madjid's arguments on secularism "excited some of the most furious criticism" and "provoked special outrage." The main charge against him was that his views on secularism "amounted to a Westernized interpretation of Islam." Eventually, the neo-modernist ideas of Indonesian's Muslim intellectuals, however, won the debate and came to indelibly shape the Islamic discourse on the normative relationship between religion and government. A *de facto* secularization of Muslim political thought gradually emerged. According to Hefner, part of the reason why Muslim intellectuals succeeded in developing an Islamic theory of democratic secularism was the strategy they employed:

> Rejecting the scholasticism of classical jurisprudence, these writers kept Qur'anic knowledge at the center of their arguments. But they struggled to contextualize this knowledge through an eclectic exploration of other traditions and new intellectual paradigms. Western social science, classical Islamic scholarship, Indonesian history—these and other sources were drawn into the effort to create a new Muslim discourse of civility and pluralism.[31]

The variant of secularism supported by Muslim political parties in Indonesia is a weak version of secularism, but it is decidedly secular nonetheless.[32] While it draws a clear line between religion and state, it rejects the privatization of religion and instead encourages the participation of religious parties in the public sphere. The tolerant and inclusive orientation of mainstream political Islam in Indonesia prevents it from trying to impose one religious interpretation on society, and thus, in a genuine Tocquevillian sense, religion both nurtures and sustains democracy *and* secularism in Indonesia today.

The Case of Turkey

In the case of Turkey a similar trend is visible. One of the important aspects of recent gains for liberal democracy in Turkey is that this movement is being led by a political party whose roots are in the Turkish Islamist movement. Recep Tayyip Erdogan, the current Prime Minister and leader of the Justice and Development Party, was himself banned from political office in 1998 and sentenced to a ten-month jail term for his Islamist leanings, yet today he is leading Turkey into the very secular European Union. How could this have happened?[33]

The story of Turkey's struggle to develop a liberal democracy is a most instructive one. Officially, the country is a secular democratic republic. The

version of secularism that was imported by the founder of modern Turkey, and subsequently defended by the military and the Kemalist establishment, was a militantly antireligious version of secularism whose intellectual roots can be traced back to the French concept of *laïcité*. The emergence of a series of Islamic parties, as political space opened up and as a response to the harsh secularization policies of Mustafa Kemal Atatürk, has dominated Turkish politics for the past 15 years. Despite repeated electoral victories, Islamic parties have been banned only to reappear again with a new name and increased political support. They represent an important and heretofore marginalized political constituency in Turkey. Yet, when judged in terms of their commitment to liberal democracy, Turkish Islamists, revealingly, have a better track record than their adversaries in the Turkish secular establishment.

Similar to their counterparts in Indonesia, Islamic parties and intellectuals in Turkey have reconciled their political theology with secularism. While considerable tension still exists between a weak version of secularism (preferred by these Islamic groups) and the militant version of secularism (which the Kemalists and the Turkish military insist upon), all mainstream political expressions of Islam in Turkey have not only philosophically accepted the principle of the separation of religion and state, but they also reject the idea of the implementation of shari'a law and support Turkey's bid for entry into the European Union. According to Hakan Yavuz, these developments have taken place because there has been an "internal secularization of religion" in Turkey.[34]

Yavuz singles out the Islamic modernist Fethullah Gülen movement for developing an interpretation of Islam that is modern, democratic, and secular. The Gülen movement is the "most dynamic, transnational, wealthy and faith-based Islamic movement in Turkey." It is completely autonomous from state control and "one of the main doctrines of this group is the idea that religious consciousness is formed and perpetuated through engaging in social practices and institutions." Yavuz writes that "[a]n examination of this movement reveals how new political and economic opportunities affected the internal secularization of Turkish Islam in terms of modernity, nationalism, and the global discourses on human rights."[35]

Given the extensive reach and popularity of the Gülen movement in civil society, mainly in the area of education, the media, and the business community, the political theology of democratic secularism that has emerged from this Muslim group has had an indirect and lasting effect on Turkish politics.[36] Yavuz adds that "Gulen's neo-Nur movement has distinguished itself from other faith movements through its soft and conciliatory voice on the most hotly debated subjects, such as secularism, the Kurdish question, and the headscarf issue."[37]

The charismatic leader of this movement, Fethullah Gülen (b. 1941), has written extensively about his political and religious thought. "Islam does not propose a certain unchangeable form of government," say Gülen, "[i]nstead, Islam establishes fundamental principles that orient a government's general character, leaving it to the people to choose the type of government according to time and circumstances."[38] His interpretation of Islam is decidedly tolerant, pluralistic, modern, and compassionate.

Gülen's views on secularism are also worth noting. He was a signatory of the "Abant Declarations," signed by leading Turkish secular and Islamic intellectuals, in response to the crisis of religion and politics that gripped Turkey during the 1990s. The first statement by this group (in July 1998) was understandably on the topic of "Islam and secularism." It began by noting that "[t]oday, Turkey appears to be passing through a deep crisis tied to the axes of religion and secularism. As a group of Turkish intellectuals, we came together at Abant and concluded . . . [an] agreement regarding the following points."[39] Ten points are listed in this declaration but the ones that are significant for this discussion are those that reference secularism.

> Article 6: Secularism is essentially an attitude of the state, and a secular state cannot define religion or pursue a religious policy. Secularism should not be used as a restricting principle in the definition and enumeration of basic rights and freedoms.
>
> Article 7: Interference in the lifestyle of citizens and sensitive points in this issue lie at the source of a number of current difficulties in Turkey. *Secularism is not in opposition to religion* and it should not be understood as interference in people's lifestyles. Secularism should broaden the field of individual freedom. Especially it should not lead to discrimination against women, and should not deprive them of rights in public.[40]

Conclusion

In short, the process of liberalization and democratization in Turkey is incontrovertibly linked to the activities of Muslim political parties and societal groups. Like their counterparts in Indonesia, they have developed a *de facto* theory of "Muslim secularism" while still maintaining a commitment to the principles and rituals of Islam. This indigenization of secularism and the embrace of human rights is a key factor in explaining the contributions made by Muslim groups to the political development of their societies. In doing so an important political constituency, with extensive grassroots support, has been brought on board the liberal-democratic train, thus propelling their societies forward in significant ways, the likes of which have few parallels in other parts of the Islamic world.

Recall the central problematic at the start of this chapter: liberal democracy demands a form of political secularism but simultaneously the main political, intellectual, and cultural resources at the disposal of Muslim democrats are primarily theological. How to reconcile this paradox? One answer based on recent trends in the Muslim world is that the *indigenization of political secularism* is required or stated differently—the cultivation and development of a homegrown theory of "Muslim secularism" is needed—one which is authentically Islamic, not a western import—yet it simultaneously lends support to a functional secularity of the political system, which all liberal democratic polities require in order to sustain themselves. To the extent that religious political parties/actors in the Muslim world can undertake this internal transformation, they can make lasting and important contributions to the political development of their societies in a way that mainstream social science theory has yet to fully appreciate.

Notes

1. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK, 1988); Jean-Jacques Rousseau, *On the Social Contract*, trans. Donald Cress (Indianapolis, IN, 1987) and John Stuart Mill, *On Liberty*, ed. Gertrude Himmelfarb (New York, 1974). The relationship between "liberalism" and "democracy" is very complex, interrelated, and beyond the scope of this chapter. Suffice to note, however, that understanding the history of both and their interrelationship is useful in comprehending the problems and obstacles to liberal-democratic development in non-western societies. One of the first modern thinkers to insightfully reflect on the relationship between liberalism and democracy was Benjamin Constant (1767–1830). See his famous address to the Royal Academy in Paris in 1819, "De la Liberté des Anciens Comparée à celle des Modernes," reproduced in Benjamin Constant, *Constant: Political Writings*, ed. Biancamaria Fontana (Cambridge, UK, 1988), 307–328.
2. On procedural democracy see Joseph Schumpeter's discussion of "Another Theory of Democracy," in Joseph Schumpeter, *Capitalism, Socialism and Democracy* (New York, 1950), 269–283. For deliberative democracy see Joshua Cohen, "Deliberative Democracy and Democratic Legitimacy," in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, MA, 1997), 67–92.
3. I am mindful of the important reservations raised by Bhikhu Parekh, "The Cultural Particularity of Liberal Democracy," in *Prospects for Democracy: North, South, East, West*, ed. David Held (Stanford, CA, 1993), 156–175. Notwithstanding his important insights, which I am sympathetic to, my understanding of the prospects for liberal democracy in the non-western world is closer to the position of Amartya Sen as articulated in the following three essays: "Democracy as a Universal Value," *Journal of Democracy* 10 (July 1999): 3–17; "Human

Rights and Asian Values," *The New Republic* 217 (July 14–21, 1997): 33–40; and "Why Democratization Is Not the Same as Westernization," *The New Republic* 229 (October 6, 2003): 28–33. Among political theorists some maintain that only John Stuart Mill was a liberal democrat (properly understood) in contrast to Jean Jacques Rousseau, who was more of a participationist, and John Locke, in whose conception democracy was more limited in scope than in Mill's.

4. Charles Taylor, "Modes of Secularism," in *Secularism and Its Critics*, ed. Rajeev Bhargava (New Delhi, 1998), 31. For background see Emmet Kennedy, *Secularism and Its Opponents from Augustine to Solzhenitsyn* (New York, 2006), 10–180; Steve Bruce, *God Is Dead: Secularization in the West* (Oxford, UK, 2002), 1–44; *Religion and Modernization: Sociologists and Historians Debate the Secularization Thesis*, ed. Steve Bruce (New York, 1992), 1–7; David Martin, *A General Theory of Secularization* (Oxford, UK, 1978), 12–99; Robert Bellah, *Beyond Belief: Essays on Religion in a Post-traditionalist World* (Berkeley, CA, 1991), 20–50; Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (Cambridge, UK, 2004), 3–32; and Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA, 2003), 21–66.
5. Nader Hashemi, "The Multiple Histories of Secularism: Muslim Societies in Comparative Perspective," *Journal of Philosophy and Social Criticism*, 36/3–4 (2010): 325–338.
6. Bernard Lewis, *What Went Wrong?: Western Impact and Middle Eastern Response* (New York, 2003), 96–116; Samuel Huntington, *The Clash of Civilizations and the Remarking of World Order* (New York, 1996), 56–78, 207–218; Ernest Gellner, *Postmodernism, Reason and Religion* (New York, 1992), 5–22. Also see the text of Gellner's last lecture before he died: "Religion and the Profane," *Eurozine* (August 28, 2000). Available online at: www.eurozine.com/articles/2000-08-28-gellner-en.html (accessed July 29, 2011).
7. Lewis, *What Went Wrong*, 103.
8. Gabriel Almond and G. Bingham Powell, *Comparative Politics: A Development Approach* (Boston: Little Brown, 1966); Donald Smith, ed., *Religion and Modernization* (New Haven, CT, 1974); Samuel P. Huntington, "Will Countries Become More Democratic?" *Political Science Quarterly*, 99 (Summer 1984): 193–218; and John Waterbury, "Democracy Without Democrats?: The Potential for Political Liberalization in the Middle East," in *Democracy without Democrats: The Renewal of Politics in the Muslim World*, ed. Ghassan Salamé (New York, 1994), 23–47.
9. Abdou Filali-Ansary, "The Challenge of Secularization," in *Islam and Democracy in the Middle East*, ed. Larry Diamond, Marc Plattner, and Daniel Brumberg (Baltimore, MD, 2003), 235. Emphasis added.
10. For a succinct overview of the debate on democracy in the Muslim world during the twentieth century, see Abdelwahab El-Effendi, "On the State, Democracy and Pluralism," in *Islamic Thought in the Twentieth Century*, ed. Basheer Nafi and Suha Taji-Farouki (New York, 2004), 180–203. El-Effendi

notes at the start of his essay that "the tension between democracy and secularism . . . remains the dominant feature of Muslim politics to this day."

11. Wolfhart Pannenberg, "How to Think about Secularism," *First Things* 64 (June/July 1996): 27–32. Also, *The Oxford History of Christianity*, ed. John McManners (New York, 1993), 243–309.
12. Noel Malcolm, *Aspects of Hobbes* (New York, 2002), 23.
13. Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, UK, 1996), 3.
14. Patricia Springborg in an authoritative overview of Hobbes' views on religion writes that Hobbes' religious views, "which he stated over and over in various places, show a remarkable consistency—which is not to say that they are coherent . . . Hobbes both professed official conformity to the doctrines of the Anglican Church and a vehement anticlericalism throughout his long life" ("Hobbes on Religion," *The Cambridge Companion to Hobbes*, ed. Tom Sorell (Cambridge, UK, 1996), 346–380. For more background information, see A.P. Martinich, *Two Gods of Leviathan: Thomas Hobbes on Religion and Politics* (Cambridge, UK, 1992).
15. John Locke, *A Letter Concerning Toleration*, ed. James Tully (Indianapolis, IN, 1983), 26.
16. For more information, see Owen Chadwick, *The Reformation* (New York, 1990); Alister McGrath, *Reformation Thought: An Introduction* (Oxford, UK, 1999).
17. Vali Nasr, "Secularism: Lessons from the Muslim World," *Daedalus* 132 (Summer 2003): 68.
18. Ibid.
19. Afaf Lutfi al-Sayyid Marsot, *Egypt in the Reign of Muhammad Ali* (Cambridge, UK, 1984).
20. Marshall Hodgson, "Modernity and the Islamic Heritage," in Marshall Hodgson, *Rethinking World History: Essays on Europe, Islam, and World History*, ed. Edmund Burke III (Cambridge, UK, 1993), 220.
21. Ibid., 222.
22. Ibid.
23. Ibid., emphasis added.
24. Ibid., 223.
25. L. Carl Brown, *Religion and State: The Muslim Approach to Politics* (New York, 2000), 137, refers to the "vertiginous convulsions" brought on by the situation that Hodgson describes. In his comparative treatment of modernization in Egypt and Japan, Charles Issawi makes a similar point, that the Japanese embrace of modernity was more integrated and harmonious with Japan's traditional culture in contrast to Egypt. See Charles Issawi, "Why Japan?", in *Arab Resources: The Transformation of a Society*, ed. Ibrahim Ibrahim (London, 1983), 283–300. Marshall Hodgson briefly explores this theme in the epilogue of *The Venture of Islam: The Gunpowder Empires and Modern Times*, vol. 3 (Chicago, 1974): 417–436.
26. For an innovative take on this theme that focuses on the classic Islamic constitution and Islamic law with implications for modern Muslim politics,

see Noah Feldman, *The Fall and Rise of the Islamic State* (Princeton, NJ, 2008).

27. According to the 2005 Freedom House rankings, on a scale of 1 (most free) to 7 (least free), Indonesia received a 3 for political rights and 4 for civil liberties while Turkey's score was 3 for political rights and 3 for civil liberties. These were some of the highest rankings among the members of the Organization of the Islamic Conference. Other Muslim countries that received high scores were Mali, Niger, and Senegal. Available online at: www.freedomhouse.org/research/freeworld/2005/table2005.pdf (accessed July 29, 2011).
28. John Rawls, *Political Liberalism* (New York, 1993), 133–172; Seymour Martin Lipset, "The Social Requisites of Democracy Revisited," *American Sociological Review* 59 (February 1994): 1–22.
29. Robert Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton, NJ, 2000), 12–13.
30. Ibid., 116–119; Greg Barton, "Islamic Liberalism and the Prospects for Democracy in Indonesia," in *Democracy in Asia*, ed. Michele Schmiegelow (New York, 1997), 427–451; Greg Barton, *Abdurrahman Wahid: Muslim Democrat, Indonesian President* (Honolulu, 2002); Greg Barton, "Indonesia's Nurcholish Madjid and Abdurrahman Wahid as Intellectual Ulama: The Meeting of Islamic Traditionalism and Modernism in Neo-modernist thought," *Islam and Christian – Muslim Relations* 8 (October 1997): 323–350.
31. Hefner, *Civil Islam*, 118–119.
32. Abdurrahman Wahid, "Indonesia's Mild Secularism," *SAIS Review* 21 (Summer-Fall 2001), 25–28.
33. For a succinct profile of Erdogan, see Vincent Boland, "Eastern Premise," *Financial Times*, December 3, 2004.
34. M. Hakan Yavuz, *Islamic Political Identity in Turkey* (New York, 2003), 184.
35. Ibid., 180.
36. Elisabeth Özdalga argues that the "Gülen movement, despite its strong revivalist appeal, actually leads to secularization (disenchantment)." See her article, "Secularizing Trends in Fethullah Gülen's Movement: Impasse or Opportunity for Further Renewal?", *Critique: Critical Middle Eastern Studies* 12 (Spring 2003): 61–73. Also of relevance is Bulent Aras and Omer Caha, "Fethullah Gülen and his Liberal 'Turkish Islam' Movement," *Middle East Review of International Affairs (MERIA) Journal* (December 2000), available online at: www.biu.ac.il/SOC/besa/meria/journal/2000/issue4/jv4n4a4.html (accessed July 29, 2011).
37. Yavuz, *Islamic Political Identity,* 179.
38. Fethullah Gülen, "A Comparative Approach to Islam and Democracy," *SAIS Review* 21 (Summer-Fall 2001): 134.
39. The declarations appear in the appendixes of M. Hakan Yavuz and John Esposito, *Turkish Islam and the Secular State: The Gülen Movement* (Syracuse, NY, 2003), 251–256.
40. Ibid., 252; emphasis added.

10

Minarchist Political Islam

Anas Malik

Is political Islam inherently autocratic or free? In today's polarized political climate, Islamism is often portrayed as having authoritarian tendencies. Many presume that an "Islamic state" requires a strong central government in a unitary state, wherein Islamic law is imposed, curtailing the scope for choice that people and communities enjoy. But a strong case can be made for an alternative view: the Islamic polity has a central government with limited functions, which coexists in a polycentric order with many additional, sometimes less formal institutions of governance not associated with the central state apparatus. This alternative may be labeled "minarchist political Islam."

Political Islamists have failed to fully articulate a minarchist political Islamic vision. This failure stems partly from the conventional view, widespread among Muslims and non-Muslims, that governance should proceed from a central state apparatus. Recent social scientific insights about institutions and design for successful governance suggest an alternative to the dominant state-centered outlook. That alternative is more consonant with well-established elements in Islamic political culture, tradition, theology, spirit, and jurisprudence.

The Qur'an prohibits oppression and supports choice. Moral guidance and prescriptions are predicated on choice. A strong central government can be easily tempted into oppression, restricting moral choice by individuals and groups in society. The great advantage in minimizing the powers that the central executive authority enjoys is that it reduces the likelihood of that executive authority becoming tyrannical. Minarchist political Islam presumes that Islamic society is deliberative and offers a plurality of authentic moral choices for how people can live their lives.

If the central government takes over decision making and removes choice from individuals and local communities, then this essential moral capacity is removed. Minarchism allows room for associational and jurisdictional spaces in which multiple, diverse, and diffuse opportunities for social governance and deliberative citizenship can emerge and thrive.

Various institutions from Islamicate societies point to vibrant governance institutions that are separate from the central state apparatus: the Medina compact, the Hilf ul-Fudul, the Ottoman *millet* system, the Sufi *tariqa* tradition, the *waqf* system of endowments, and *istihsan* in Muslim jurisprudence, as discussed below. While these provide strong roots for minarchist political Islam, the actual design of a polity requires a newer and fuller articulation assessing current circumstances. When an experiment in minarchist political Islam takes place, it may look new and innovative. Moreover, the experiment faces serious hurdles.

The major challenges to a successful minarchist political experiment are internal and external.[1] Internally, there is the danger that one faction will ignore the ground rules and seek to impose its vision by coercion. This can be combated by effective and vigilant citizenship as well as police action. Constraining the central government, while arming it sufficiently to combat such a virulent faction, is one major challenge. The polity must police the policeman, making sure the executive authority does not become predatory.

Externally, foreign powers might see the minarchist polity as weak and divided. External security threats have been a major historical rationale for states to consolidate authority with respect to domestic society. At a time when a foreign threat is felt, an invasion is imminent, or foreign occupation is underway, it is very difficult to sustain institutional guidelines designed to constrain the political leadership. Muslim societies experiencing external attack or domination are likely to see increased authoritarianism. Providing a credible deterrent against foreign attack, while maintaining limits on the central state's jurisdiction and powers internally, provides a second major challenge.

The potential for a minarchist political Islam disputes the "war on terror" mind-set. Fears that allowing political Islamists into powerful positions will necessarily undermine democratization are misplaced. Allowing more and diverse Islamists to establish local governance has the potential to foster effective anti-tyrannical orders. The assessment that some Islamist movements are heavily state centric in their policy platforms should not be read as a recommendation of external domination, imperialism, or projects of "nation building" or "religion building." Such heavy-handed tactics will only produce more reactive mobilization and enhance the tendency to seek a strong, centralized state with few internal restrictions.

Theory

Political Islam (used synonymously with "Islamism" here) may be understood as a label applicable to diverse religiously grounded political ideologies. Political ideology is a coherent belief-set regarding the highest political values, the state's relationship to society, and particular programs for governance and policy.[2] Religion illuminates existential questions, offering ethical guidance and particular rules governing devotional rituals and social behaviors. Political Islamists explicitly seek a political order consonant with Islam as they understand it.

Some modern political Islamists see "Sufism" or "mysticism" as distractions and focus instead on core dogma.[3] They deploy ahistorical and essentialist discourses, reverse-imposing ideas on fragments of historical memory. Yet political Islamists are diverse, differing greatly about which political ideology is more "Islamic." They range from a few extreme positions that display totalitarian aspects to those who ardently advocate a liberal democratic model. Some assert that traditional Islam shares with modern democratic thought the notion that the state's power over citizens should be constitutionally limited.[4]

In much modern populist Islamist discourse, the notion that the central state authority should not intervene to remake society is almost unimaginable. Many Islamists view the state as the preeminent authority and most adept at imposing its wishes, both within and outside its borders. Beyond Islamists, many groups that have strongly felt beliefs about how their society should look presume that the appropriate route is through the state. Accordingly, some political coalitions seek to "capture" the state apparatus. The presumption is that state - society relations is top-down management. This thinking, however, has a fallacy: capturing the state will only produce social change to the extent that the state is politically capable. Political capacity can be understood as the ability to allocate and reallocate resources in society for state purposes.[5] States with low political capacity will not be able to implement much in the ruling coalition's agenda, no matter how fervent their wishes.[6]

The Hizbul Tahrir al-Islami (HT, the Islamic Liberation Party) exemplifies the focus on a strong central state as the vehicle for implementing Islam. Inspired by founder Taqiuddin al-Nabhani (d. 1977) in a context of political insecurity, HT argues that an "Islamic state" is a necessity for establishing Islam on earth. HT proponents argue that after engaging in *da'wa* (calling others to Islam) for 13 years (the length of the Prophet's mission in Mecca), the time has come for an Islamic state. HT's goal is an "Islamic state" established by a revolutionary vanguard. In this view, Islam dictates far-reaching governmental policies that closely

parallel the developmental state programs found in other (non-Muslim) decolonized, newly independent countries. In the emphasis on wresting control over natural resources away from foreign and private hands to empower an agenda for socioeconomic change, the HT platform resembles the (sometime) revolutionary agendas of Hugo Chavez's "Bolivarism," the Sandinistas in Nicaragua, Gamal Abdel Nasser's "Arab socialism," and the Bolsheviks. Yet the HT discourse is different: as rationales for state control over natural resources such as oil, the HT offers select passages from the hadith literature.

Minarchist political Islam represents a polar opposite to the fixation on heavy-handed centralized authority embodied by HT. Libertarians generally prioritize liberty (understood negatively, as in freedom *from*) over other values such as authority, tradition, and equality. Libertarian political thought seeks to maximize social freedom and minimize state authority, viewing the state as the main threat to liberty.[7] Minarchist political Islam assumes that a minimal state authority is required. In contrast, anarcho-capitalist versions of libertarianism see the state as an unnecessary evil.[8]

Under minarchist political Islam, a polycentric order is presumed. Self-governing subcommunities work out common rules and coexist in loose confederation. The subcommunities nest within a collective defense condominium arrangement. Rule is diffuse and shared, yet able to coalesce to counter and deter external threats. The central government exercises limited power over constituent social subunits. This does not necessarily imply that geographic subunits such as provinces are the major political authorities in a territory. Rather, there could be multiple jurisdictions that may overlap territorially.[9] The minarchist political order can be envisioned as a society filled with civic associations, self-governance arrangements, subcommunities with relatively abundant "voice" and "exit" options for their participants, and generally diffuse and plural governance.

Normatively, libertarian political philosophy argues that the state should restrict its purview over social behaviors, and only address flagrant violations wherein the basic underlying social order is threatened. Morality imposed by state authority means that individuals lose moral choice. Preserving choice is essential, because Islam presumes that the individual has the moral choice to submit or not. Each individual's conscience is the best guide to doing the right thing, and to experiencing satisfaction when following the dictates of conscience, and self-recrimination when going against those dictates.

Privileging choice implies that the international Muslim public outcry against the French decision to ban *hijab* (the head scarf) in schools should be accompanied in principle by a similar denunciation of the Saudi regime

and other governments that force it to be worn—in both cases, choice is denied to the coerced individual. The denial of choice can breed hypocrisy. People are likely to adopt outwardly politically correct behaviors from worldly fears. They will profess things publicly that privately they do not subscribe to, not from religious devotion and understanding, but because they are coerced into doing so.

Associational life can reduce the potential for heavy state intervention in society both by meeting social needs and by creating authoritative spaces not directly tied to the state. This assertion relies on seeing "governance" as broader than central government activity alone. Tocqueville argued that citizenship habits—what Vincent Ostrom terms "the science and art of association"—generate civil society, serve as democracy's informal core, and matter as bulwarks against tyranny.[10] Civil society is based on largely self-policing communities. Tocquevillian political organizations prevent tyranny by reducing social isolation and opening space for public reflection on policy matters.[11] The minarchist order envisaged here would contain many Tocquevillian social organizations loosely confederated with each other.

A dividing point potentially separating a Muslim political community from an American-style republic is the Qur'anic requirement that judgment be according to what God has revealed, as in (Qur'an 5:45) ". . . And they who do not judge in accordance with what God has revealed—they are the evildoers!"[12] To some, this injunction imposes boundaries on choice. Islamic jurisprudence is the effort by specialists to expound the Shari'a—which exists in true form with God—as they understand it. Yet the process is potentially open and deliberative, and classical Muslim jurists agreed that rulers should not impose one school over others, so legislative authority could be restricted to

> cases where the domestic tranquility required choosing from among the options offered by the various schools [. . .] a contract among Muslims might state that it would be adjudicated according to Hanafi law as opposed to Maliki law, as modern American contracts state that they will be adjudicated according to Delaware law as opposed to Maryland law.[13]

Some may interpret the Qur'anic injunction to "fight them until the *din* (faith) is for God" (2:193) to mean forcing others to follow an imposed law that claims Divine origin. Others, such as Muhammad Asad, interpret the same injunction as an affirmation of choice, because only under free choice can the *din* be truly for God.[14] An allied notion is that in order to be free to truly submit to God, one must be free from other people, and that political society must preserve this freedom.[15]

Humans are described in the Qur'an as *khalifa*s, trustees with some ability to influence things for a time. Recognizing the Divine is a normative basis for covenanting religious civil society[16] and associations for *birr* and *taqwa* (good works and piety). With strong normative commitment, mutual trust is reinforced, and the uncertainty in social relationships is reduced, providing fertile ground for productive exchange. Coercion produces compliance, resentment, hypocrisy, and hatred; choice yields consent, and enhances the potential for genuine devotion.

The New Institutionalism and Minarchist Political Islam

The "new institutionalism" is an approach to social analysis that emphasizes the formal and informal rules that influence how individuals interact and how resources are distributed.[17] Traditional institutionalism would look at formal governmental organs, such as the American judiciary or the Congress, or the codified protocols in diplomacy. New institutionalism is in part a critical reaction to such legalism and overemphasis on formal governmental apparatus. Unlike the "perfect competition" assumption in neoclassical economics, real-life social exchange happens in uncertain conditions where information is imperfect or asymmetric and transaction costs are incurred. Institutions are broadly defined as norms, rules, and decision-making procedures that help reduce uncertainty and smooth social interaction. Societies with institutions that align private benefit to social benefit effectively are the most likely to grow and develop economically;[18] even ideology can be considered an institution and is vital for the social trust that eases and enables social exchange.[19] Institutions may undergo swift "revolutionary" change, or they may change in myriad small ways through the marginal impact made by many individuals as they reinforce, reject, or modify a particular institutional arrangement.

A society with an institutional life that harnesses individual incentives to productive collective results is likely to see growth and development. The Qur'an powerfully aligns individual interest with social interest by emphasizing each individual's internal accountability and self-monitoring. This theme is stressed in such verses as

> On that Day will men proceed in companies sorted out, to be shown the deeds that they (had done). Then shall anyone who has done an atom's weight of good, see it! And anyone who has done an atom's weight of evil, shall see it. (99:6–8)[20]

People who believe this are not likely to shirk their responsibility. With less shirking, social transactions function more smoothly because trust is

higher. There are exorbitant costs to doing business if one is constantly worried about fraud and robbery and unreliable contracts. Honesty and reliability have big social payoffs. The reality, however, is that some Muslim societies today are rife with corruption, deception, and fraudulence in business transactions. Other mechanisms for ensuring individual accountability beyond ideology and religious inspiration alone are likely to be helpful.

Unlike the monocentric governance model, new institutionalism suggests that governance emerges from many levels and places, formal and informal, tangible and intangible. Governance is not just what is often characterized as a Hobbesian Leviathanic central dominating agency in society. Governance is found in every institutional instance. Some such institutions may be weak and ineffective, while others may be extraordinarily durable. Consider Middle Eastern hospitality norms. These mean that travelers can go through areas where they know no one, but nevertheless find that they do not end up starving to death—a local who finds them will usually look out for their needs. This is above the basic human kindness instinct, as many travelers have commented on the extraordinary generosity they encountered among the Bedouin or the Tuareg, for example, where hosts may go hungry to ensure that passing travelers are fed. This informal norm eases travel on an otherwise difficult terrain, and it happens outside the state's purview.

It is often presumed that central authority is an absolute requirement in the effort to have successful collective action. In fact, there are many approaches to resolving collective governance problems, and not all require recourse to central authority. Certain conditions, such as clear group boundaries, monitoring by the group itself, and respect for the group's rule making by outside powers, all promote successful self-governance in groups.[21] Religious leadership can provide the impetus and the entrepreneurship needed for successful collective action. Within a minarchist political order, certain aspects would be outside the purview that individual communities enjoy. National security, a national currency, a high court for matters that could not be adjudicated in any other fashion, and basic infrastructure would fall under the central authority's purview. Other policy-administering bodies and institutions would be nested within this encompassing central entity.

New institutionalism emphasizes the role played by trust, signaling, norms, bargains, and institutional design on social efficiency and development. "Religion" comprises numerous, complex, variegated, and overlapping institutions. In a minarchist political Islamic order, people should be able to vote with their feet by leaving a particular subcommunity or to exercise voice by participating in making and modifying the rules of

that subcommunity. The polity thus requires freedom of association. This may downplay class and other inequalities that make exit a more difficult prospect for some. It may come about that with some exit prospects for participants in civic arrangements, there will be greater pressure on the privileged to equitably distribute power. In the abstract, this is rather difficult to envision. It is easier to explore by considering various historical institutions in Islamicate societies that appear compatible with the broad criteria for a minarchist political order.

Historical Institutions and Concepts Supporting Minarchism

The Medina Compact

The Medina compact, promulgated by the Prophet and accepted by Medina's residents, recognized and enshrined pluralism. Medina, formerly known as Yathrib, was ethnically divided between an Arab majority and a Jewish minority. The Arabs were increasingly accepting Islam, but the Jews, although there were some notable conversions, did not on the whole embrace the new religion. The Arabs had further divisions among them. There was historical enmity and heavy feuding between two major clans, the Aws and the Khazraj. And there was a further distinction between the *muhajirun*, those who migrated to Medina to escape religious persecution in Mecca, and the *ansar*, those who were the original inhabitants of the city. Despite these divisions, the Prophet united all residents in a common covenant. Consider the following description:

> [The] Prophet now made a covenant of mutual obligation between his followers and the Jews of the oasis, forming them into a single community of believers but allowing for the differences between the two religions. Muslims and Jews were to have equal status. If a Jew were wronged, then he must be helped to his rights by both Muslim and Jew, and so also if a Muslim were wronged. In case of war against the polytheists they must fight as one people, and neither Jews nor Muslims were to make a separate peace, but peace was to be indivisible. In case of differences of opinion or dispute or controversy, the matter was to be referred to God through His Messenger. There was, however, no express stipulation that the Jews should formally recognize Muhammad as the Messenger and Prophet of God, though he was referred to as such throughout the document.[22]

Particularly interesting in this agreement was the fact that a chief potential vulnerability in libertarian political orders—namely that they could be weakened through division and that disunity exploited by outsiders seeking influence, dominance, or control—was expressly addressed. Peace was

to be "indivisible," so no contract with outside powers regarding alliances and security ties could be established by one group without the others. There was also recognition that some disputes could not be settled but might involve common matters that required some authoritative resolution, for example, through mediation, arbitration, or adjudication—and that function was given to the Prophet.

In other words, provision was made at the outset in this largely free political order for preventing some weak points from becoming vulnerabilities fatally destructive to the Medinan society. Also notable in this is the fact that Jews and Muslims were treated as equals. There was not a *dhimmi* status at this time; that was later conferred on Jews and Christians as "protected" communities. There were mutual obligations on the parties to the agreement to aid one another.

The Medina Covenant was described as a *Pax Islamica* by Imad-ad-Dean Ahmad, following Ismail Faruqui. The covenant described

> a sovereign city-state with the right to declare war, negotiate treaties, and adjudicate internal disputes [. . . and] posits a defense of the rights of the innocent in the constituent communities, and the rights of the constituent communities in a kind of federalism of religious communities, and a requirement of joint defense.[23]

Ahmad finds that the Medina Covenant parallels the US Constitution, from its religious pluralism to its emphasis on justice and domestic tranquility. As a document, the Medina Covenant is "constituting" and comparable to the Mayflower Compact: both agreements were distinguished by the willingness to engage through participant design in a formal founding covenant for governance and order in society.[24]

Ahmad follows a common conventional understanding among liberal Muslims that posits common ground between the Medina Covenant and the US Constitution. This approach has been criticized by "progressive" Muslims for not being based on a more critical reexamination of the US constitutional process as well as the Islamic juristic process. Progressive Muslims generally call for a continuing interrogation of dominant discourses along with efforts to incorporate marginalized voices.[25] "Liberal" Muslims tend to essentialize Islam and assume an eternal true Islam that is compatible with western liberal values. Progressive Muslims would interrogate the assumptions shaping the way both American and Muslim histories are portrayed. In itself, the progressive approach, while promoting an ethic of liberation and pluralism, does not answer questions about polity design, such as how a Muslim would relate to a political authority that is non-Muslim. There are historical instances, such as in Andalusia, where Christians and Jews sometimes held positions of high authority. It is

arguable that the Hilf ul-fudul at the Ka'ba indicates that such a political order is acceptable and even laudable, depending on circumstances and goals.

Hilf ul-Fudul: The Chivalrous Ka'ba Pact

Evidence or "proofs" in Islamic juristic terms for working toward collective self-governance can be found in the chivalrous Ka'ba pact made by the Quraysh to deter injustice and redress grievances. Before the Medina constitution, and before the prophetic mission had started, the Meccans had made a pact to ensure collective security against injustice without recourse to a strong central authority. The Prophet declared his support for this pact, and said he would have supported it even after Islam was revealed.

Known as Hilf ul-Fudul, the pact took place when the Prophet was a young man, before he received his first revelation. Arabia at the time was largely anarchic, and blood feuds would escalate from small ignoble incidents to disruptive revenge cycles that pulled allied clans and tribes into their vortex. No system for redressing grievances and establishing justice prevailed. This contrasted with the lands under Roman law, which Arabs encountered in their caravan trade journeys. When a traveling Yemeni merchant with no local patron protector was short-changed by a man from the Sahm clan, he appealed broadly to the Quraysh for justice. The Quraysh responded by convening in the Ka'ba, and resolved on collective self-governance. Whenever an injustice or oppressive act was committed, whether against a member of the Quraysh or a visitor, they would act together to force redress and restore the victim's rights. They implemented this commitment by forcing the Sahmi man to repay the wronged traveling merchant.[26]

The Prophet declared this to be "so excellent a pact that I would not exchange my part in it for a herd of red camels; and if now, in Islam, I were summoned unto it, I would gladly respond."[27] One can infer from this that working collectively for justice—collaborating with others on what is right—is upheld and approved. Two inferences can be made. First, self-governance is possible, rather than recourse to strong central authority. Second, the collaborative community does not have to be "Muslim"; rather it is the collective action's purpose that determines its value and righteousness.

Ottoman Millets

The *millet* system in the Ottoman Empire featured an early syndicalist rule. *Millet*s, communal religious groups, were legally recognized and

allowed self-governance. Under the *millet* system, individual nationality was not given by geographic boundary, but on a confessional basis: Ottoman Muslims could identify with other Ottoman Muslims across the empire, Syrian, Iraqi, or Turkish ethnicity notwithstanding.[28] While allowing significant self-governance, the *millet* system also served to increase state control over communities through religious institutions and simultaneously allowed religious hierarchies to combat heterodoxy.[29] Describing the Ottoman order as an "Islamic" state remains debatable because of the Sultan's laws known as *Kanun*, which in theory conformed to and complemented theShari'a in its "vision of a virtuous and just society," and may be described as secular.[30] The Ottoman experience demonstrated that different legal frameworks and jurisdictions could coexist.

Tariqas

Islamicate history includes recurrent norms supporting "live and let live" thinking, allowing brotherhoods, guilds, communities, and associations to thrive with little interference from others. This maximizes the room for individual choice, so much so that people have opportunities to choose and decide for themselves what they want to accomplish and in which community. Spiritual seekers could join different brotherhoods, for example.

Sufi *tariqa*s represent a rich legacy to build on. A *tariqa* is literally "a way"; in the Sufi context, it refers to a mystical path on which a believer travels to attain Divine Truth. Major *tariqa*s are named after a saintly founder. Some such orders have provided a mobilization network for political activism, such as resistance to foreign invaders. Where central government forces left a vacuum, local *tariqa*s often contributed to meeting social needs. Sufi itinerants were particularly important for "frontier Islam," such as at the empire's boundaries.[31] Where central government control is weak, more informal governing structures gain prominence.

The Muslim Brotherhood organizations combine organizational elements borrowed from the Sufi model with modern nationalistic elements. It is likely that the Muslim Brotherhood founder, Hasan al-Banna, drew on his experience in the Shadhili *tariqa* in designing the organization. Among the critiques that the Muslim Brotherhood has received is the charge that they are an anticolonialist movement with Wahhabi roots. Sayyid Qutb's exegetical commentaries are infused with contemporary anti-imperialist and religious nationalist goals. In recent decades, the Muslim Brotherhood has formally espoused democratic processes. One may well speculate about how this organization might evolve if the external security problem were reduced.

Waqf

Many mosques and other organizations have been financed in part by *waqf* endowments. *Waqf* (plural *awqaf)* means an "endowment" and resembles a modern trust fund or property. Establishing such a fund is encouraged through the great emphasis placed in Muslim scripture on *sadaqa* (voluntary charity), particularly on *sadaqa jariya* (continuing voluntary charity, meaning charity that continues to have spiritual payoffs after one's death). Establishing or supporting an educational institution is a common method for producing a *sadaqa jariya.* A *waqf* might be land that is bequeathed to a religious institution, such as a college for religious education. Income generated from that property can provide the material resources needed for the college, such as teachers' salaries, books, and student scholarships.

Waqf institutions, being neither strictly private nor state-owned property, enjoy a certain autonomy. Those supported by *waqf* funds are not beholden to private donors. If *waqf* funds are insufficient, private funders can become stakeholders and constituents and thus impose constraints on the content of religious education. If the government controls funds for a religious college, then it can also translate its resource provision into oversight over the college curriculum. *Awqaf* in the Muslim world have seen a shift in their position, from historical prevalence to increasing oversight by central state authorities. This is perhaps best captured in the *Wizarat al-awqaf* (Ministry of Endowments) phenomenon. Modern Muslim states typically have a government body that administers religious trusts. In administering these trusts, the central authority undermines the capacity of religious institutions to operate independently. Alleged incompetence and mismanagement of *awqaf* have served as pretexts for nationalization,[32] offering a comparatively easy way for weak states to extend their authority. In an increasingly contested religious political environment, *awqaf* appointments can be used to manipulate the public discourse. Yet the historical basis for *awqaf* persists as a model for designing self-governing institutions.

The Classical Jurisprudential Tradition

The *madhab* (legal school) principle and the jurisprudential tradition among Muslims in history has the potential to be a distinguished source and model providing respected norms congruent with minarchist political Islam. At its height, the tradition inculcated an ethic that promoted dialogue and accepted difference. This approach might be called a staunch but orderly pluralism.

Consider *istihsan*, which has been translated variously as "preferring the good or beautiful," or as allowing departures from *qiyas* (juristic analogical reasoning) for a "stronger reason."[33] Jurists can decide that a precedent be ignored or set aside based on other considerations. This interpretive range permits different arguments. *Istihsan* aims to deal with abnormal, exceptional, or unanticipated and unusual situations in which applying the law in a literal fashion would produce some injustice or inequity and violate the Shari'a's spirit and goals. A jurist may decide that positive law should not apply to a certain case or situation because doing so could violate the Shari'a's *maqasid* (objectives). Hanafi and Maliki jurists allow *istihsan* as a valid principle, one that can invalidate the *ahkam* (positive law) from *qiyas* and *ijma'* (scholarly consensus), but not the Qur'an. Unusually, considering that innovations and changes or new exceptions in *'ibadat* (devotional matters) by *qiyas* are usually not allowed, *istihsan*'s reach includes *'ibadat* and *mu'amalat* (social relations). Not all jurists agree—Shafi'i, Shi'i, and Zahiri scholars disallow *istihsan*, although there is evidence that in actual reasoning, an equivalent process is used. There is concern that *istihsan* allows too easy and flexible a route with which to circumvent the Shari'a's rulings and is, therefore, susceptible to abuse, and this may be the reason that some scholars have sought explicit restrictions on *istihsan.*

A gap between the *usul al-fiqh* (jurisprudential principles) and the *maqasid* exists; the letter and spirit sometimes deviate from each other. In Hashim Kamali's view, *istihsan* has the potential to bridge this gap and create a more integrated and coherent Islamic approach to juristic questions.[34] Like *ijtihad, istihsan* has suffered a decline, and both need to be reinvigorated to better address current issues and problems.

The question remains—who decides on when the spirit is violated? Is it a private dispensation for every jurist? Who determines the role that precedent plays? Which jurisdiction takes precedence when there are conflicting rulings? Whose interpretation prevails, and who adjudicates? Since no one can authoritatively claim to speak for God, the moral choice ultimately rests with individuals and communities. Defining community as the local governance arena is an appropriate starting point. Imagine individuals voting with their feet, moving to join the community that best serves justice as they conceive it. This is comparable to agreeing that justice should prevail, but giving people some choice in answering the "whose justice" question.

Claiming that one's position is "the" Islamic perspective excludes other interpretations and that is the same as claiming that one speaks for God.[35] The exclusionary approach can sometimes slip into a totalitarian mindset, bent on imposing the "right" perspective by exercising power. The Khawarij in early Islamic history exemplify what can happen when one group is utterly convinced that it is right—that conviction, unless tempered

by a serious commitment to dialogue, can turn swiftly into strident or violent conflict.

Notable jurists have refused to claim that their verdicts are final and the most authoritative. Many have even refused to offer *fatwa*s (legal opinions) on particular matters. The leading figures in the four well-established Sunni *madhab*s—Abu Hanifa, Malik b. Anas, al-Shafi'i, and Ahmad b. Hanbal—would end their legal pronouncements with a concluding statement to the effect that "God knows best." They acknowledged, in other words, that their knowledge and intellectual ability and process were fallible and that it was possible that others could surpass them. Most other jurists have maintained this *adab* (etiquette) as well. The modern exceptions generally include not the most learned scholars, but relatively unschooled populist preachers, including some modern *salafi*s.

Limits on State Power: Prohibition on Spying

Orientalist imagery often portrays Muslims as barbarians bent on medieval punishments for criminal activity: stoning for adultery, whipping for fornication, and amputation for theft. The broad *qisas* principle is frequently viewed as requiring "an eye for an eye," but a correct understanding shows that *qisas* is the victim's right, not obligation. Forgiveness is preferable, and the victim may choose a civil damages settlement.

Some severe punishments require an evidentiary standard that is difficult to imagine ever being met in practice. For a charge of adultery to be proven, in a widely cited example, some jurists have argued (based on *nass*, a scriptural text directly addressing this issue) that four witnesses of good character must testify that they observed the actual penetration. In real life, it usually does not happen that an adulterous act is so flagrant; the act is likely to take place behind closed doors. This suggests that severe punishments are meant to either curtail the most flagrant abuse, or show how abhorrent a particular transgression is, rather than to actually kill all, most, or even any adulterers. The prohibitions' primary purpose in practice is to serve as a moral exhortation and a deterrent.[36]

Moreover, Muslim jurists have historically understood that a baseless or frivolous accusation can be damaging. Thus, those who bring a charge, and are unable to prove it by producing four reliable witnesses, are themselves liable for punishment. This helps reduce the likelihood that individuals will take it upon themselves to make casual accusations with regard to an extremely serious matter. A famous example in Muslim history was the *ifk* incident, in which the Prophet's wife Aisha was accused of adultery. When a Qur'anic revelation decisively cleared her, those who brought the accusation were punished.

Important (but often overlooked) guidelines restricting state interference in people's lives are the Qur'anic injunctions on spying and backbiting.[37] In letter and spirit, Islamic ethical principles decry prying into other people's affairs and gossip mongering. Such principles serve to place juridical limits on state espionage and supervision of the lives of citizens.

Challenges and Implications

Among many contrary positions to the claim that political Islam is fascistic is the view that particular social behavior and policy content make a polity more "Islamic"; the institutions underlying it are simply instrumental. The early-twentieth-century writer 'Ali 'Abd al-Raziq even suggested that the religious sources did not support or endorse caliphal rule.[38] Qur'anic commentators tended to view non-consultative dynastic rule as un-Islamic, preferring power-sharing arrangements.[39] Minarchism suggests that formal state institutions should be circumscribed and constrained and as much governance as possible should happen through institutions distinct from the central state apparatus.

A successful experiment in minarchist political Islam could be the basis for renewed vigor in jurisprudential studies, increased competition between scholarly positions, and increased investment into creative scholarship. It may spur further development of an *adab* of *ikhtilaf*—an ethics of disagreement—so that different positions can be held in a tolerant, deliberative atmosphere that respects difference. But this utopian vision for the minarchist experiment must combat serious external and internal challenges.

Externally, minarchism is threatened when an outsider power poses a security risk by threatening to dominate or attack. In such a case, the forces favoring a military mobilization and resource reallocation by the central authority are great, and the constraints on central authority are further reduced. This mechanism for consolidating political authority has played a significant role in Western Europe and elsewhere.[40] A secure regional neighborhood is likely the surest ground on which a genuine experiment in minarchist political Islam can be built.

Muslim religious nationalism is a powerful force, and novel political ideologies will likely be discounted, especially when they appear to contradict basic aspirations for security from foreign domination. If the minarchist position is seen as a distraction, dividing and weakening Muslims at a time when external threats are high, then it will likely not gain much traction. Any policy prescription that does not adequately consider the efforts of the Great Powers to dominate Muslim-majority

societies is subject to being attacked as naively foolish or treasonous collaboration.

Accordingly, care is needed where there are *fitan*—potentially seditious divisions among individuals and communities that threaten carnage and chaos. The minarchist political order must tread a fine balance—an American equivalent is the trade-off between security and civil liberties. Individual and even communal moral choice must be preserved and protected. Yet arrangements must exist to deter and prevent domination by outsiders. The state, to survive, must be able to make war. This accords with the common "realist" view describing imperatives for survival and self-help under international anarchy.

Given perceived external threats, Islamists typically emphasize the need for a strong Muslim state. Strong outside powers are conspiring against Muslims, says the narrative; a strong unified state is needed to defend Muslim interests. The state must be appropriately motivated and have the ability to mobilize resources and people. Minarchism leaves the society potentially more vulnerable to predatory outside forces.

There are distinct internal challenges to the minarchist political experiment also. Imagine a situation where one group adopts an approach others find deeply objectionable. One group's *istihsan* might be disparaged by others. If such feelings are strong enough, one faction may not respect the free association rules for a pluralist society and instead try to seize power and impose its own dogma on others in society. A related possibility is vigilante political violence, where a particular group acts as judge, jury, and executioner, imposing its strong convictions on others and following channels outside the normal, legitimate process by which social sanctions are imposed.

In such disastrous scenarios, a constrained, circumscribed central state presents practical obstacles to stability, because it may not be able to adequately restrain violent and revolutionary groups. The dangers lie in two extremes: stability through dictatorship and a repressive "order," on the one hand, or chaos as unconstrained factions engage in fractious contention and violent conflict, producing a Hobbesian war of all against all. A critical defense against factional tyranny lies in a popular culture that resists tyranny. That requires political socialization into norms of appropriate political participation. This is a thorny problem because such political understanding should proceed organically from the ground up if it is not to contradict the minarchist spirit.

Minarchist political Islam will likely succeed only in a secure international environment where the domestic population is highly socialized into the essential ground rules permitting freedom of association and plural governance. These are the likely necessary conditions. Given the

developmental conditions in many Muslim societies and the strong sense of siege that currently prevails, it is difficult to point to where such an experiment might immediately thrive. But the historical institutions referred to here as well as normative Qur'anic guidelines provide reason for thinking that there is potential for success.

Notes

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11

Wilayat al-faqih and Democracy*

Mohsen Kadivar

Are the Shiʿi theory of *wilayat al-faqih* (guardianship of the jurist) and democracy compatible with one another? If they are not compatible, could the modification of one or both bring them into agreement with one another? If these two concepts are irreconcilably at odds, which should we reject in the interest of preserving the other? These three questions are of utmost importance to contemporary political thought in Iran. This chapter primarily discusses the potential convergences and divergences between *wilayat al-faqih* and democracy and offers a critique of current perspectives on the relationship between these two concepts.

Exploring the Relationship between *Wilayat al-faqih* and Democracy

Although the term *wilayat al-faqih* is immediately reminiscent of the Islamic Republic of Iran and its founder, Ayatollah Ruhollah Khomeini (d. 1989), the incongruity between *wilayat al-faqih* and democracy is not necessarily of the same kind as that between Islamic republicanism and democracy. *Wilayat al-faqih* is altogether distinct from Islamic republicanism.[1] Proponents of *wilayat al-faqih* believe that Islamic republicanism is a method of governance that would give rise to *wilayat al-faqih*—the two however are not the same. Similarly, the critics of *wilayat al-faqih* do not believe that a relationship necessarily exists between the two—they not only perceive an Islamic republic to be capable of existing irrespective of *wilayat al-faqih*, but they additionally believe that an Islamic republicanism minus the *wilayat al-faqih* principle is the Islamic republic

that was offered to the Iranian public via the Preamble to the Constitution, which gained widespread acceptance through the April 1979 referendum. What ended up being ratified as the Constitution in late 1979, then modified in 1989, and subsequently implemented by the two supreme leaders in the past quarter of a century is an amalgamation of *wilayat al-faqih* and Islamic republicanism. This amalgamation could be perceived as being a *wilayat*-based republicanism *(jumhuri-ye wila'i)*[2]—the sort of republic within which government organs perform their duties under the supervision of the supreme leader *(waliy al-amr). Wilayat*-based republicanism or traditional Islamic republicanism is an incomplete realization of *wilayat al-faqih* and is merely a subset of it. In this study, we set out to compare and contrast a democratic government with a form of governance that is based on "appointed and absolute *wilayat al-faqih*", the latter representing the ideal order within which the concept of *wilayat al-faqih* has been fully realized.

The incongruity that may exist between *wilayat al-faqih* and democracy must be differentiated from any divergence between religion and democracy, or Islam and democracy, and also from any divergence between religious governance and democracy, or Islamic governance and democracy.[3] Of course if someone already believes that religion and democracy are totally incompatible, there would be no need to address the questions that are being raised here—since it is a foregone conclusion for them. Similarly, for those who believe that religion is a private matter—that is, restricted to an individual's relationship with God, whose influence must not extend into the public sphere (essentially those who subscribe to radical secularism and believe that it is the foundation for democracy)—any kind of religious governance would be basically undemocratic. The relationship between *wilayat al-faqih* and democracy is subject to debate for someone who, first of all, does not believe *a priori* that there can be only dissonance between Islam and democracy and believes instead that democratic perspectives may be gleaned from Islamic tradition. Second, such a person does not find an Islamic government to be necessarily incapable of being democratic—more pertinently, this is someone who would allow for democracy to flourish in a religious society. Accepting the above two premises, we now take on the discussion of compatibility between *wilayat al-faqih*—representing a specific case of religious governance—and democracy.

The questions being discussed here are less than 32 years old. They became relevant in or about 1979 when the *wilayat al-faqih* concept was applied to the public domain. Debating these issues first took place exclusively among elites and prior to the practical experiences that ensued. The analysis and explanations that they have offered in answering these

questions are mostly general and often ambiguous. At this early stage, the proponents of *wilayat al-faqih* tried to portray this principle in a popular and democratic vein.[4]

Starting with the second decade, having experienced *wilayat al-faqih* in practice for ten years, inquiries into the matter began to spread among the general public rather than being exclusive to elites, among whom these concepts had been traditionally applied. Furthermore, the responses to these questions gradually became more specific, more exact, and much better clarified. The proponents of *wilayat al-faqih* who have responded to the aforementioned questions fall into two camps: those who have candidly proclaimed the principle of *wilayat al-faqih* to be entirely contradictory to democracy and those who, while dismissing democracy as a "western notion," have defended a sort of "religious democracy" anchored upon the core principle of *wilayat al-faqih.*

Those who are critical of implementing *wilayat al-faqih* in the public sphere are equally devout Muslims and also fall into two groups according to their kind of concern regarding democracy. One group, believing that the "appointive" and "absolute" attributes of *wilayat al-faqih* are at the basis of the principle's incongruence with democracy, has attempted to bring the two together by stressing the elective and conditional stipulations of the Constitution concerning *wilayat al-faqih*. The second group has determined that implementation of *wilayat al-faqih* in the public sphere lacks any basis in Islamic jurisprudence—they find the divergence between *wilayat al-faqih* and democracy to be inherent in the two concepts. The depth of analysis and pervasiveness of the views that have been offered, in reply to the questions we raised at the outset, indicate the importance of this debate.

Defining Democracy

We will now go on to define "democracy," followed by three sections on related topics. The first section examines the relationship between the appointive and absolute nature of *wilayat al-faqih* and democracy. In the second section we explore the relationship between elective and conditional *wilayat al-faqih*—and also that of the guardianship of the *faqih*—and democracy. In the third section we discuss the means of governing an Islamic society according to democratic standards. The hypotheses that we are about to subject to scrutiny in this chapter are threefold: first, *wilayat al-faqih* and democracy are not compatible; second, the incompatibility between *wilayat al-faqih* and democracy is essential—reforming one or both of them would not bring them into harmony. From this perspective, Islamic democracy would be a contradiction in terms, if it were to be based

on *wilayat al-faqih.* Third, Islamic society can be governed via democratic means.

It may seem that democracy would be a well-known concept, but the effort that has been exerted to approve or reject it in Iran indicates that many of those who have commented on the subject did not have a clear understanding of it. Democracy has been mistaken often for popularity or for populism. To prevent probable misconceptions in our discussion below, it is best to put forth an outline of democracy in the context of our discussion. In doing so, we emphasize those aspects of democracy that would bear comparison with the corresponding features of *wilayat al-faqih.*

One could describe democracy as an answer to a question in politics: who or what political system is empowered to decide for the public? Three types of answers have been offered for this question: autocracy, aristocracy, and democracy. In an autocracy, the assessment of public interest and decision making in the public domain rest with one individual—all legitimate power to govern stem from that individual. No worldly authority can oversee his actions—he is above the law, unaccountable, and invested with absolute authority, and can exert unchecked power to manage the affairs of society. In an aristocracy, the ultimate power resides with an elite class—this group of people is also not accountable to the public. In a democracy, determination of public interest and decisions on behalf of the public are based on the approval of the public at large—not on the approval of a specific individual or a group of elites. In a democratic regime, those executing authority in the public domain are the people's elected representatives, whose charter is to serve in their clients' (i.e., the public's) interest. A democratic government is responsible to the public. It comes to power through the will of the people, and, at a certain time, peacefully transfers its power to govern to the succeeding democratically elected representatives. The laws of democratic societies are established through a process ensuring public consent and are liable to change according to public will.

To state it more exactly, democracy is the politics of the modern world. It is an approach to instituting government—the purpose of which is to minimize the likelihood of making erroneous decisions in the public domain, through maximizing public participation in the decision-making process and diminishing the role of the individual in making political decisions and shaping public policy. Proper distribution of political power throughout society is one of the requirements of democracy. A democratic government is elected through freely expressed majority vote in order to govern for a limited term. The equal right to choose—and to be chosen—is among the fundamental principles of democracy. In a democracy, decisions that affect society must gather consensus for support. Therefore, public oversight of decisions affecting the public domain and distribution

of equal rights amongst the citizenry, in order to impose oversight over decisions regarding the public domain, are two of the pillars of democracy.

The main attributes of a democratic regime are as follows:

a. Holding free and all-inclusive elections.
b. Establishing transparent and accountable government.
c. Respecting civil and political rights.
d. Giving rise to a civil, or a democratic society.

To complete our framework of democracy, now we should ask: what are the characteristics of an undemocratic regime? The following six characteristics are identified:

a. Sanctioning special privileges in the public domain for an individual or a class of elites (such a distinction is contrary to the fundamental principle of equal rights).
b. Permanency in holding on to an office, or lacking peaceful transfer of power, following a predetermined term.
c. Holding an office or an authority in that office above the law.
d. Lacking oversight of the leadership—that is to say, a lack of accountability of the leadership to the public.
e. Having absolute or unchecked power vested in an individual or a group (even if it is sanctioned by the Constitution).
f. Lack of regard for public demand in changing the law.

Appointive, Absolute *Wilayat al-faqih* and Democracy

We now proceed to describe the theory of appointive, absolute *wilayat al-faqih* and explore its potential convergence with and divergence from democratic principles. The following four principles are identified as forming the basis of the theory of appointive, absolute *wilayat al-faqih*:[5]

The first principle is *wilayat*.[6] It means having responsibility for, acting on behalf of, and having jurisdiction over the affairs of others. There is inequality in the sphere of *wilayat (hawzat al-wilayat)*, encompassing the public sphere. The general public is considered to be incapable of making pious decisions, and unable to exert control over public domain. They need religious oversight, since they lack religious jurisdiction over the public domain. Legitimacy of all decisions and actions in the public domain depend on the approval and authorization of the supreme leader, called the *waliy al-amr.*

Another meaning of *wilayat* over people is their guardianship, which is fundamentally different from representing them. The citizenry—having been placed in care of the supreme leader—has no say in the appointment or dismissal of the *waliy al-amr*, and no authority to oversee his conduct of *wilayat*, or his personal conduct. The opinion of the supreme leader constitutes the measure of proper decisions regarding the public domain. It is expected that the public will conform to and acquiesce in the views of the supreme leader—not the other way around. All public domain functions derive their legitimacy through their attribution to the supreme leader. The most important religious duty of the people toward the supreme leader is to accept his verdicts, obey his edicts, and help him succeed. *Wilayat* is obligatory, not elective. It is permanent, and lifelong, not transitory. Furthermore, it is binding on all human beings, without any exception or condition.

The second principle is appointment,[7] which refers to appointment by the divine ruler as opposed to election by the people. Above and beyond comprising the legitimacy to govern, it implies selection and appointment of the qualified person to reign over the people on behalf of the last Shi'i imam. Identifying the individual who possesses the proper qualifications is a function of the Shi'i juridical elite. In selecting the supreme leader from among the Shi'i juridical elite, the public cannot be consulted since they lack the knowledge to properly assess the merits of the supreme leader. It is generally held that the installment and dismissal of the supreme leader is a divine act. In case the leader is found to have forfeited his qualifications as a jurist, or is found to have become unjust, other elite jurists would consider the leader's supreme status to have lapsed. The ruler (or the supreme leader) is responsible only to God—no human being has the authority to oversee his actions. Other elite jurists can only inquire into his qualifications in order to declare him to be fit for the supreme office. In other words, beyond the supreme leader *(waliy al-faqih)* is only God.

The third principle is absoluteness.[8] The jurisdiction of the leader *(waliy al-faqih)* encompasses matters of sovereignty in the public domain—all matters fall under this jurisdiction. The leader manages the society based on his determination, or that of his appointees. His authority is considered to be akin to that of the Prophet and imams and not confined to religious matters, since he can rule on matters beyond religious concerns based on what he deems to be in the interest of the state. His decrees are binding on everyone, just as all other religious decrees must be obeyed and acted on. In case of any conflict between decrees issued by the *waliy al-faqih* and other subsidiary Islamic standards, the former prevails. While the Constitution draws its legitimacy from the leader's sanction of it, it is clear that the *waliy al-faqih* is not bound by the laws of mankind, including the

Constitution. The decrees of *waliy al-faqih* carry the force of law; if they appear to be contrary to the law, his decrees take precedence. The judicial, legislative, and executive branches of government, the armed forces, and the media are all his organs, which function independently of each other, but are under the control of one leader—the *waliy al-amr.*

The fourth principle is jurisdiction *(al-faqahat)*, which is the most important requisite for leading an Islamic society. Islamic jurisprudence plays an essential role in the planning and management of an Islamic society. All political decisions must be in accord with the religious fundamentals. Islamic jurisprudence is capable of providing solutions to all political, economical, cultural, military, and social problems of the world, and, therefore, capable of guiding the greater Islamic world and the non-Islamic constituency. Politics is a branch of the Islamic jurisprudence and a part of the religious experience. Islamic jurisprudence provides a pertinent and complete theory for managing the human race, and guiding the human experience from the cradle to the grave. Therefore, *wilayat* or administration of public domain is held to be the exclusive right of Muslim jurists.

Proceeding from this analysis, it is possible for us to conclude that the theory of appointive, absolute *wilayat al-faqih*—in all four of its principles—is contradictory to democracy. In fact, this theory provides for a religious autocracy, or, at the very best, what may be viewed as a clerical aristocracy. In fact it has been claimed that the *waliy al-faqih*, as the operative of the divine on earth, is akin to God, for "he cannot be questioned for his acts, but they will be questioned for theirs."[9] He represents a permanent, arbitrary, sacred, and absolute authority in the temporal world. In other words, this theory sustains a religious aristocracy, which is fundamentally distinct from democracy.

We can identify the following contradictions, arising out of each of the four appointive, absolute *wilayat al-faqih* principles:

A. Guardianship *(wilayat):* Religious guardianship requires that the general public in their capacity to make pious decisions and influence matters of the public domain not be deemed equal to the jurists. In contrast, in a democratic system, everyone is believed to have the same rights as anyone else and the right to influence the public domain. In order to administer the public domain, the citizenry is empowered to elect a representative government rather than being rendered incapable or unqualified to make proper decisions, and requiring paternal oversight.

Furthermore, the standards of proper conduct in the public domain are the opinions and directives of the *waliy al-faqih*, which the public is bound to obey, whereas in a democracy, public officials are expected to hew to the

will and sentiment of the public they represent. According to the theory of *wilayat al-faqih*, everyone must seek the permission of *waliy al-faqih* for any decision or action in the public domain. The situation is reversed in a democracy—all public officials are supposed to seek the people's consent in order to serve in the public domain.

B. Appointment *(intisab):* Democracy is a bottom-up approach to government while the appointive *wilayat*-based state is a top-down regime. People elect or dismiss their government officials in a democratic regime, whereas in an appointive regime, members of the general public have no say in the installment or removal of the ruler. The notion of appointment is ineluctably at odds with the notion of election. Without exception, all political assignments in a democratic regime are limited to a specified term. In the appointive *wilayat al-faqih*, however, the leader is practically appointed for life, and terms in office for other public officials are determined by him.

In terms of functions, the elected representatives of the people are charged with oversight over the government of a democratic regime, and the government is accountable to the people it governs. In appointive rule, the ruler is only responsible to God and is not held responsible to any human being for his conduct.

C. Absolutism *(itlaq):* All government officials are assigned limited powers in a democratic regime—there are checks and balances. In appointive, absolute *wilayat al-faqih*, the leader possesses absolute and unchecked power. He is not only above the law, but he sanctions the law and can repeal the Constitution as well. In contrast, no one stands above the law in a democratic regime and separation of powers is fundamental to a democracy. In a *wilayat*-based state, the judicial, executive, and legislative branches of government, in addition to the armed forces and the media, are the instruments of the leader *(waliy al-faqih)* and function under his orders. The heads of the three branches and the key institutions of the government are, in effect, his deputies.

D. Jurisdiction *(faqahat):* There is no special public privilege that is set aside for any particular group in a democratic regime, whereas governance in *wilayat al-faqih* is the exclusive prerogative of Shi'i Muslim jurists. In a democracy, society is managed based on secular principles; religious jurisprudence is not expected to provide directives for political, economical, cultural, and other matters. In contradistinction, in the *wilayat al-faqih* system, Shi'i jurisprudence provides an entire theory of governance in all aspects of human existence, from the cradle to the grave.

The principal divergences between appointive, absolute *wilayat al-faqih* and democracy are so clear that they need no further proof—it is readily obvious that these principles are not compatible. A question should be raised here: is referring to public opinion not warranted under any circumstances, according to the concept of *wilayat al-faqih?* The answer is a conditional affirmative. Referring to public opinion may be warranted in minor cases, and only where the leader's position is not undermined as a result. In any case, he is the final authority—he can overrule the public's opinion at any time. Another case may be that if he does not resort to public opinion, he may come across as being dictatorial. In the second case, referring to public opinion is only warranted in a do-or-die situation—to get past the circumstantial necessities.[10] It is evident that once the need is overcome, public opinion would again become irrelevant, and that referring to public opinion under such circumstances is not the same as free elections held in democratic regimes.

Among the proponents of appointive, absolute *wilayat al-faqih* theory, the few who have called it democratic are clearly wrong. Their position can only be adopted either because of a lack of understanding democracy, or for future deniability or cover-up. For example, Javadi Amoli and Mesbah Yazdi, who are among the proponents of this theory, have stated candidly that this theory is incompatible with democracy.[11] But others among them, while completely rejecting "western democracies," are promoting a "religious democracy."[12] In effect, they are only playing with words—subscribing to appointive, absolute *wilayat al-faqih* ideology is to deny democracy in all its forms. Apparently, the only aspect of democracy that may have appealed to this group is its popularity. Otherwise, touting "religious democracy" is a popularity ploy. The sort of playing with words, which this group has resorted to, is the same as deceiving the public. Proponents of appointive, absolute *wilayat al-faqih* find democracy neither desirable nor beneficial. In their view, the citizenry must be trained to only blindly follow and unquestioningly obey the edicts of the religious leaders and prevent them from conceiving opinions to the contrary.

Elective, Conditional *Wilayat al-faqih* and Democracy

Considering the great difficulties that appointive, absolute *wilayat al-faqih* theory faces, both conceptually and factually, an alternative view has become more prominent among those subscribing to *wilayat al-faqih.* In their approach, care has been taken to strike a balance between *wilayat al-faqih* and democracy.

The first attempt at merging *wilayat al-faqih* in the public sphere with democracy was made in the past century by Mirza Muhammad Husayn

Na'ini (1860–1936). While keeping the general appointive *wilayat al-faqih* principles intact, and taking into account the lack of public confidence in the clergy as the political reality of the time, he allowed the representatives of the people to constitute a government that remained subject to religious oversight—hence, the conditional government.[13] It was made clear that if for any reason (e.g., upon regaining popularity) the clergy were to revoke their permission, government would thenceforth become illegitimate.

In the second step toward legitimizing the political rights of the public independent of the jurists, the concept of public rule with juridical oversight, offered by Muhammad Baqir Sadr,[14] has been validated. According to this theory, the clergy have more of an oversight function and right of approval rather than an administrative role, although the supreme overseer is found and appointed among them through traditional procedure rather than by means of democratic elections.

In the third step, the jurists in Qom advance the theory of elective, conditional *wilayat al-faqih*, the evolved form of which was assembled by Ayatollah Hossein-Ali Montazeri Najaf-Abadi.[15] In his approach, three of the principles contained in the appointive, absolute *wilayat al-faqih* theory have been modified. First, by expanding on the selection process for choosing a leader from among multiple qualified jurists prior to his appointment by the divine ruler, the selection of a ruler from among the slate of qualified candidates ends up being based on public volition. Considering traditional Shi'i doctrine, allowing for public opinion to influence the selection of the supreme leader is a significant step toward democratization of the political process. Second, although the term "guardianship" *(wilayat)* has been retained in this theory, the legal ramifications of it are different. In the first theory, *wilayat* was a religious edict, issued by the divinely-appointed ruler to compensate for the laity's inadequacies in the public domain, whereas in the new theory *wilayat* is a binding contract and a form of a general power of attorney establishing independent jurisdiction over someone with the ruler's consent. On this basis, the government would be a form of religious treaty between the people and the sovereign.

Finally, as a consequence of the government having its bases in a contract, the terms and conditions of this agreement—such as the imposition of a time limit for holding office and the like, the collectivity of which is called the Constitution—would be legitimate. On this basis, the resulting government would not have absolute power, since it would be limited by the Constitution, according to the terms and conditions of the agreement. All the elements of a healthy relationship between the general public and those entrusted with power to rule can be achieved by this approach. The jurisdiction requirement and the supremacy of jurisdiction remain intact as the principal requisites in the new theory of leadership.

Analysis of the recent thirty-some years of *wilayat al-faqih* in action has inclined the author of the new theory to emphasize the advisory and oversight dimensions of leadership and reduce its administrative aspects.[16] It is clear, however, that for prevailing religious motives this oversight is none other than *wilayat*, and that it occurs on account of the religious obligation felt by the overseeing jurist.

The democratic aspects of this theory are enumerated as follows:

A. All public officials—without exception, even the leader—are elected through general elections, and the public participates in electing the government.
B. As a consequence of recognizing the public as being a party to an agreement or a contract, the public's right to self-determination in the public domain is established; accepting this fact is seminal to democracy.
C. The public right to take part in the lawmaking process as a condition of the constitutional agreement provides the bases upon which society would democratize.

Based on the preceding points this theory could be called "religious democracy" or "Islamic republicanism." Its conformity to Shi'i Islamic principles is protected through the supreme leader's guardianship and oversight. Concurrently, the society is managed democratically. However, the resulting religious democracy would be limited, and in a few respects different from democracy, on account of the fact that acceptance of an exclusive right for jurists to hold the highest office in society, under the auspices of the supreme guardianship, causes the first discrepancy between this theory and democratic principles. Accepting such a right is contingent upon jurisprudence being effective in addressing the challenges of political and social administration. Proving Islamic jurisprudence to be capable of producing effective solutions in such secular matters is extremely unlikely.

Furthermore, the requirement of jurisdictive supremacy for assuming the leadership diminishes the elective qualities of this approach. On the one hand, if the qualifying merits are concentrated in one person, then election becomes irrelevant. On the other hand, the ability to recognize and qualify supremacy, considering the broad spectrum of Islamic jurisprudence and the variety of opinions held by jurists, effectively shields the selection process from the public. The practical difficulties associated with this approach are above and beyond the theoretical criticisms that may be directed at this principal requirement.

A final reason for skepticism is concerned with the response to the following question: what would it be like if there were widespread public discontent with the supreme leader's stance? In a circumstance where

the majority of the people moved toward a direction and the leader *(waliy al-amr)* found that direction inappropriate or undesirable and stated his ruling on the matter as such and the majority still refused to follow his advice, would he resort to force, in order to establish the validity of his views, albeit against the public will? Or would he acknowledge the will of the people and his lack of support among them on account of their opposition to him, and consequently resign, resort to cultural and educational activities to convince the public of the merits of his view, win the majority over, and regain his rightful position as the supreme leader again? The response is not clear.

Democracy in a Religious Society

It became evident through the discussion in the previous sections that two possible conclusions may be reached: first, the "appointive, absolute *wilayat al-faqih*" and democracy are completely incompatible and these two concepts are diametrically opposed, just as the Platonic philosopher-king, the Iranian theory of kingdom, or the mystic's theory of the perfect human reign would stand in contradiction to democracy. Second, the "elective, conditional *wilayat al-faqih*" or the concept of the elected supreme leader's guardianship is a form of limited democracy, which differs from democracy in three respects. Although according to the leader's capacity the religious order may extend far into the democratic terrain, the reverse would also be true in the case of narrow-minded jurists.

Up to this point, we obtained the two comparisons above, regardless of our evaluation of democracy or either of the two religious theories as positive or negative. In this section we are about to answer two important questions posed as follows: (1) Based on religious principles, how credible are the two *wilayat al-faqih* theories? (2) Considering the definite discord between the first theory and democracy and the relative incompatibility between the second theory and democracy—between *wilayat al-faqih* and democracy—which is more suitable for managing the affairs of a religious society?

Critique of the First and Second Theories

Regarding the first question, the concept of *wilayat al-faqih* is a subject of dispute in Shi'i Islamic jurisprudence.[17] Most but not all jurists have accepted this principle when it falls under the category of obligations that must not be left unattended, such as the guardianship of orphan children. When the legal scope of this principle was extended, fewer people subscribed to it. The extension of *wilayat al-faqih* into the public domain is

viewed as clerical governance (i.e., in the political arena), and is not recognized by most jurists,[18] meaning that in their view, there is not a sufficient basis in Islamic law to support this claim. The absolute *wilayat al-faqih* in the public sphere, specifically emanating from Ayatollah Khomeini, has been assumed by some (not all) of his students as being valid. In any case, the author believes that the theory of appointive, absolute *wilayat al-faqih* lacks any basis in reason, or in Islamic law.

The theory of elective, conditional *wilayat al-faqih* and the elected supreme leader's guardianship is a young one, which has not been adopted with much enthusiasm by the jurists in traditional Shi'i realms. Its supporters are often found among intellectuals and political activists. From an Islamic jurisprudential perspective, two of the principles of this theory are subject to debate: one, the requisite of jurisprudential supremacy of the overseer, and two, the assumption of Islamic jurisprudential capability in such spheres as management, politics, and social planning. The second point has not been subjected to careful analysis and debate among the jurists and religious scholars. The fact that every act, be it individual or social, must be according—or at least, not be contradictory—to Islamic principles can be assured through consultation with an advisory panel, such as the council in charge of the Supervising Committee of Senior Clergy *(hay'at nazarat al-mujtahidin)* in the first Iranian Constitution *(Mashruta)* or the Guardianship Council *(Shura-ye Negahban)* in the Preamble to the Constitution of the Islamic Republic, and does not necessarily require supreme guardianship *(wilayat al-faqih)*. In any event, a number of contemporary jurists, including my great teacher Ayatollah Montazeri, have stated positions concerning this theory. The author believes that both issues rest on a more basic understanding of the purview of religion, or, more precisely, of Shi'i Islamic jurisprudence. Jurisprudential supremacy is not a requirement for social management and one cannot expect Islamic jurisprudence to supply the required insight for managing society. Therefore, the jurisdiction principle in the aforementioned theory is insufficient.

The conclusion arrived at above suggests that *wilayat al-faqih*, be it of a religious or civil type, appointive or elective, absolute or conditional, lacks any credible religious basis for its deployment in the political sphere. The jurists who have accepted certain types of *wilayat al-faqih* have in fact investigated the matter with a preconceived notion of religion, prior to either reasoning through or testing their specific hypothesis. They have assumed that a complete religion must have provided a specific and constant model for managing public policy and that without assuming political power, it is not possible to establish such a religion. Furthermore, the purpose for establishing religion is to execute the edicts of Islamic law

(Shari'a). For this last purpose, only jurists are qualified to apply the religious law; hence, establishing religious governance in accordance with the principles of *wilayat al-faqih* is necessary, or even inevitable, from this perspective.

When one takes into consideration the historical context of Islam, the Qur'an, and the conduct of the Prophet and the Shi'i Imams, it is possible for us to arrive at the following conclusions:[19]

A. Islam is not limited to the individual's relation with God; it also includes the social realm. The social directives of Islam are furthermore not limited to providing ethical guidance and generating behavioral precepts; they also include injunctions to be carried out.
B. Islamic society is not compatible with all political systems. Islam has clearly declared certain political settings to be illegitimate, and has forbidden Muslims to establish such political systems.
C. In the collective teachings of Islam, its general concepts and social protocols, one can extract a specific or tens of other general political models, none of which would be illegitimate and none of which alone would suffice for a complete political system with all of its necessities and specifics. In other words, Islam does not offer a specific and constant model for managing the politics of all societies, and far be one for all times (in other words, Islam does not provide an unchanging blueprint for a universal government).
D. The lack of such details in Islamic thought is due to the fact that they are variables. The religion, which claims to be constant—beyond place and time—would be subject to change, if it were to take on transitional matters. Additionally, Islam acknowledges that human faculties are capable of finding appropriate solutions in these fields. In other words, politics is a matter of intellect, and the ability to reason is a human trait. It is true that a pious individual must satisfy the requirements of his religion in all of his interactions, but acting in accord with the general principles and common protocols of religion does not negate the fact that politics is a human endeavor requiring political wisdom.
E. One cannot expect to find knowledge of politics, economy, management, and sociology in Islamic jurisprudence. At the same time, one cannot do away with the body of constitutional, commercial, criminal, and other laws. Islamic jurisprudence provides a legal framework in such branches of law as political law, commercial law, civil law, criminal law, and the like. Branches of law cannot be expected to provide specific political and economic policies. Although legal council is indispensable in a variety of fields, entrusting management, economy, commerce, politics, and a whole host of other specialized activities to lawyers would not produce an optimum

result. *Wilayat al-faqih* has risen out of a sort of false expectation of the purview of Islamic jurisprudence.

F. Obligatory Islamic decrees affecting the public domain do not necessarily warrant religious governance. The necessity for carrying out such edicts may as effectively be accomplished through other means—the pious conscience and the collective will of the public in a civil Islamic society could see to it that all its obligations are fulfilled. There is a difference between the law and religious obligation. The law must pass through a formal process designed for close scrutiny and consensus gathering, including scrutiny and adoption by the people's representatives. Religious obligation is not the same as legal obligation. Similarly, committing a sin has a different consequence than breaking the law. An individual is not necessarily punished during his lifetime for having committed a sin or for having failed to fulfill a religious obligation. Religious leadership aims to convince its followers to voluntarily take on a course of action, or relies on the individual to abstain from what may be harmful, based on the individual's recognizance and free will. If a religious decree is to carry the force of the law—such that it may carry with it worldly punishment—it must put on a legal suit, go through the lawmaking process, and become the law.

G. More so than being a religious obligation, *wilayat al-faqih* is a reflection of the Iranian theory of kingdom and Eastern despotism in the mind and essence of Shi'i jurists, which has also been corroborated by the Platonic theory of the philosopher-king. Its absolutism can be traced in the absolute *wilayat* of the perfect human being in Ibn 'Arabi's Sufism. It seems that traditional Islamic jurisprudence imbued with such notions as the principle of non-*wilayat*,[20] the principle of sovereignty (all people are the masters of their properties),[21] and the principle of consensus (rulership over the people is not legitimate without their consent)[22] cannot be compatible in the public sphere with the notion of *wilayat al-faqih.*

How to Solve the Contradiction of Wilayat al-faqih *and Democracy?*

Regarding the second question, the choice between *wilayat al-faqih* and democracy, in the event of unresolved incompatibility between the two, *is* democracy. Through the discussion in answering the first question, we concluded that differences between *wilayat al-faqih* and democracy are not predicated on any religious requirement, and are rather a matter of rational evaluation. In such a case, the alternative that stands to yield the most benefit is the preferred choice. *Wilayat al-faqih* has no credible foundation in Islamic jurisprudence. It is a notion that was conceived in the minds of a group of honorable jurists through a specific reading of a handful of

Islamic passages. Refuting *wilayat al-faqih* does not in any way undermine any teachings, requirements, or obligations of Islam. I believe democracy is the least erroneous approach to the politics of the world ("least erroneous" does not mean perfect or even error free.) Democracy is a product of reason, and the fact that it has first been put to use in the West does not preclude its utility in other cultures; reason extends beyond geographical boundaries. One must adopt a valid idea, regardless of its provenance, in accordance with 'Ali b. Abi Talib's counsel: "Look into what is being said, not at who says it."[23] Adopting a democratic approach for political management is as valid in a religious society as it is in a nonreligious one. A nonreligious society as well as one consisting of a mix of various religious beliefs and ideological subscriptions can be managed effectively in a democratic manner, as can a religious and pious society. The claim that radical secularism is indispensable to democracy is only an opinion. In any case, contemplating the relationships between Islam and democracy or the feasibility of a religious democracy is outside the scope of this chapter. The author believes that it is possible to manage an Islamic society using a democratic approach. If a society consisting of a Muslim majority decides to observe Islamic values and considerations, it can incorporate these Islamic values through democratic means. That is to say, Islam as a religion can coexist with a democratic political system in a society.[24] In this chapter, I have assumed the advantages of democracy to be self-evident. No doubt this stance would be debatable to those believing otherwise. In any event, the author's subscription is to a democratic approach within Islamic societies.

Notes

*The first draft of this chapter was presented at the 36th Annual Conference of Middle East Studies Association of North America (MESA), Washington, DC, November 2002.

1. The relationship between *wilayat al-faqih* and Islamic republicanism *(jumhuri-ye islami)* has been discussed previously in my *Wilayat-Based State (Hukumat-e wila'i)* (Tehran, 2008), fifth edition, chapters 11 and 12, pp. 160–219.
2. The term "*wilayat*-based republicanism" *(jumhuri-ye wila'i)* has been described in the article "From Constitutional Monarchy to *wilayat* Based Republicanism" *(Az mashrutah-ye saltanati ta Jumhuri-ye wila'i)*, August 2002, based on a speech given at Columbia University, New York; found online at www.kadivar.com.
3. A number of points have been addressed about the relationship between religion and democracy in the article "Religious Democracy" *(Mardum salari-ye dini)*, last accessed on, February 23, 2011, available online at www.kadivar.com.

4. As an example, one could point out Ayatollah Khomeini's usage of the term "democracy" during the Paris interviews (Fall, 1978), and also Morteza Motahari's similar usage in his speeches on Islamic Revolution and Islamic Republic in 1978 and Spring 1979.
5. Theoretical basis is laid out by the author in *The Theories of State in the Shi'ite Figh (Nazari-yeh-ha-ye dawlat dar fiqh-e shi'i)* (Tehran, 2008), 7th edn, second and fourth theories.
6. The subject of *wilayat* (guardianship) has been expanded at length in my *Wilayat-Based State*, 160–219.
7. The subject of *intisab* (appointment) has been expanded in the series of articles "Hukumat-e intisabi" (Appointive State). Nine articles in this series have been published in the monthly *Aftab* (Tehran, 1379–1381), accessible online at www.kadivar.com.
8. The subject of *itlaq* (absoluteness) has been expanded in the article "Ghalamru-e Hukumat-e Dini az Didgah-e Imam Khomeini" ("Imam Khomeini's Perspective on the Scope of the Religious State") in *Dagh-dagheh ha-ye hukumat-e dini* (Anxieties of Religious Governance) (Tehran, 2000), 111–134.
9. Qur'an 21:23.
10. Ayatollah Sheikh Nasser Makarem Shirazi in his essay "Anwar al-faqaha," *Al Bai'* (Qom, 1991), 1:516.
11. Cf. Mohammad Taghi Mesbah Yazdi, *Pursish-ha wa pasukh-ha* (Questions and Answers) (Qom, 2001) and Abdollah Javadi Amoli, *Wilayat al-faqih; Wilayat Fiqh wa adalat* (*Wilayat al-faqih:* Guardianship of Jurisprudence and Justice) (Qom, 2000).
12. In this midst, usage of the term "*Mardum Salari-ye Dini*" (religious democracy) by the second Iranian *waliy al-faqih*, Ayatollah Ali Khamene'i, is worth mentioning.
13. Mirza Muhammad Hussayn Na'ini, *Tanbih al-umma wa tanzih al-milla* (Exhortation of the Faithful and Purification of the Nation) (Tehran, 1960). For an analysis of Na'ini's point of view, see my *The Theories of State in the Shi'ite Figh*, the fifth theory.
14. Sayyid Mohammad Baqir Sadr, *Al Islam yaqud al-hayat* (Beirut, 1979). For further analysis, see my *The Theories of State in the Shi'ite Figh*, the sixth theory.
15. Sheikh Hossein-Ali Montazeri Najaf-Abadi, *Dirasatun fi wilayat al-faqih wa fiqh al-dawlat-e islami-yeh* (Qom, 1988–1991), 4 vols. For an analysis of this work, see my *The Theories of State in the Shi'ite Figh*, the seventh theory.
16. The political theory of Ayatollah Montazeri that I criticized could be called Montazeri I. Montazeri II is the subject of another chapter. Some of the recent points of view expressed by Ayatollah Montazeri in his book *Didgah-ha* (Points of View, or Perspectives), 4 vols., particularly in the excerpt "*Wilayat al-faqih* and the Constitution," are worth studying, last accessed on, February 23, 2011, available at www.montazeri.com.
17. See Ayatollah Khomeini, *Kashf al Asrar* (Revealing the Secrets) (Tehran, 1979), 185.

18. Ayatollah Sayyid Abulqasim Khu'i in his *Al-Masa'il wa rudud* (Questions and Answers) (Qom, 1411 AH), remarked: "the greatest Shiite scholars do not agree with it."
19. These points have been discussed sporadically throughout my *Dagh-dagheh ha-ye hukumat-e dini.* Now they are clustered in one place.
20. Much has been discussed in my *Hukumat-e wila'i*, chapter 16, 242–245, about the principles supporting the lack of *wilayat.*
21. See Montazeri's *Dirasat*, 1:495, the Third Principle, for the framework in monarchy.
22. See Ibn-e Fahd-e Hilli, *Al-Rasa'il al-'Ashar* (The Ten Theses) (Qom, 2000), thesis 9, case 9.
23. Imam Ali, *Nahj al-balagha*, ed. Sobhi Saleh (Beirut, 1387 AH).
24. I explained the issue in the article "Islam and Democracy, Compatibility or Incompatibility?", accessible online at www.kadivar.com.

12

Anwar al-'Awlaqi against the Islamic Legal Tradition

Andrew F. March

> The most important thing for the Muslim is not to betray his religion. Serving in the American army and fighting Muslims is treason to Islam. America today is the Pharaoh of yesterday. She is the enemy of Islam. No Muslim is permitted to serve in its army except with the intention of betraying it like Nidal [Hasan]. Loyalty *(al-wala')* in Islam is only to God, His Messenger and the believers, and not to the patch of sand they call "the nation." The loyalty of the American Muslim is to the Muslim umma and not to America, and brother Nidal is proof of this through his blessed action, may God reward him to the utmost.
>
> —*Anwar al-'Awlaqi (d. 2011)*

> It is abhorred for a Muslim who requests an *aman* from unbelievers [by swearing] on his religion to deceive or betray them, for treachery [*ghadr*] is forbidden in Islam. The Prophet said: "He who betrays a trust will have a flag stuck in him on the Day of Judgment so that his betrayal may be known."
>
> —*Muhammad b. Ahmad al-Sarakhsi (d. 1090)*

The question of citizenship within a non-Muslim polity intersects a series of core issues of Islamic political ethics. Non-Muslim states are by definition those states that are not governed in accordance with God's revealed Law; their *justice* is thus suspect. They are by definition those states that do not accord a privileged status to God's true religion and do not provide it with its due protections; their *legitimacy* is thus suspect. Non-Muslim societies are by definition united around goals and interests that are

un-Islamic; *solidarity* with them is thus suspect. Non-Muslim states might find themselves at war with Muslim ones or pursue their aims at the expense of Muslims; *loyalty* to them is thus suspect.

Since Muslim jurists have traditionally invested public power and communal cohesion with considerable religious significance, and since the Muslim polity emerged and matured in the conditions of power and expansion, the minority condition is one whose moral script is still in the process of being written. Indeed, while the view that even residing under non-Muslim authority is forbidden has always been a minority doctrine within Islamic law,[1] taking up the question of its permissibility remains to this day a juridical *topos* encountered in most treatises on Islamic law and the minority condition. Jurists use this question not only to dispel pious concerns that living under non-Muslim authority might be sinful or impermissible but also to discuss the conditions that must be fulfilled in order for such residence to be permissible—in other words, as an entry into substantive discussions on political obligation in nonideal conditions.[2]

For most Muslim scholars the general question of political obligation to a non-Muslim state falls under the rubric of the duty to uphold contracts and promises. Once a Muslim has accepted the security of a non-Muslim state that also allows him the freedom to manifest his religion, he is bound to obey its laws, including paying taxes that contribute to general social welfare. Crucially, for most scholars, this is a moral duty grounded in religion and not a mere quietest exhortation to avoid punishment or other negative consequences for the Muslim community.

What are the limits, however, of the obligations to a non-Muslim political authority to which a Muslim may in good conscience consent? Specifically, is loyalty during wartime an obligation of citizenship to which a Muslim may legitimately contract himself? At the most general level, there are two basic attitudes for which Islamic revelatory texts provide grounding, which serve to problematize the idea of being loyal to a non-Muslim state. The first is the idea that Muslims should not ally themselves with non-Muslims or non-Muslim polities. Scholars of Islam often point to a series of Qur'anic verses that prohibit Muslims from forming bonds of loyalty *(wala'*, *muwala)* with unbelievers (5:51,[3] 60:1,[4] 4:144,[5] 3:118[6]) to draw the conclusion that political allegiance to unbelievers, of which they consider citizenship to be a form, is impermissible. The second, inverse position is that Muslims should not harm individual Muslims and even less so the interests of the Muslim community or polity. A just life for a Muslim does not only consist in performing acts of worship or avoiding sin, but in serving the community of believers in any way required of him, including (perhaps especially) in fighting for the cause of Islam. This intuitive stance receives authoritative grounding in both the Qur'an and in a few reports

of Muhammad's speech (hadith) considered to be sound and accurately transmitted.

This question, perhaps unlike that of legitimate residence, is far from a scholastic anachronism. The idea of service in non-Muslim armies engaged in wars of any kind for any purpose against Muslims presents a profound crisis of conscience for many Muslims of varying degrees of piety, as does supporting such war efforts indirectly through taxation. For a much smaller number of Muslims, the moral challenge consists in restraining oneself by not actively fighting against one's state of citizenship or residence if it is engaged in hostilities against Muslims.

What is the relationship of events like the July 7, 2005, London bombings, the November 2009 Fort Hood massacre, and the attempted bombing of Times Square to the (Sunni) Islamic legal tradition? What are the ethically most important features of these events from the standpoint of Islamic law? Do Islamic juridical discourses stress the distinction between the targetable soldiers at Fort Hood and the non-targetable civilians of London, Madrid, and New York? How is the status of the militant agents treated, most of all their possible conflicting obligations to multiple communities? What do juridical discussions of this question reveal about Islamic attitudes toward the authority and legitimacy of the non-Muslim state, and the limits of political and moral obligation in conditions regarded from the Islamic perspective as unjust?

Jihadi Fiqh and the Targeting of Civilians

With the exception of the Fort Hood massacre, the attacks in London, Madrid, and New York are most commonly characterized in western discourses primarily as acts of "terrorism." The force of this (not inaccurate) designation is to focus on the identity and status of the victims as well as the intent of the perpetrators. These are acts that not only kill non-combatants but *intentionally target civilians* for killing.

What do supporters of these attacks say in defense of them? Importantly, they converge with the common western discourse in regarding the *identity of the victims* as the most ethically salient feature of these attacks. When ethical justifications of attacks from September 11, 2001, to the failed Times Square incident seek to establish their legitimacy within the terms of Islamic law, they by and large seek to prove that the victims were legitimately targetable. While this is commonly regarded as the most challenging and controversial feature of such events, I will show in this chapter that this is a deliberate strategy of avoiding a much knottier question within Islamic law. For establishing that certain persons are in principle targetable

or legitimate collateral damage does not establish that *any person* is justified in targeting them without regard to that person's status and other moral obligations. Whether or not killing civilians is categorically condemned by Muslim jurists, these acts of domestic terrorism are almost always violations of moral obligations arising from an explicit or implicit social contract. Discussion of the permissibility of killing civilians in Islamic law is thus primarily a diversionary tactic within *jihadi* discourses.

An important text to begin with in this context is Shaykh ʿAbd al-ʿAziz b. Salih al-Jarbuʿ's justification of the September 11 attacks, *al-Taʾsil li-mashruʿiyyat ma hasala li-Amrika min tadmir* ("Establishing the Legitimacy of the Destruction Which Befell America").[7] This text is a 76-page point-by-point justification of the September 11 attacks from an Islamic juridical and theological perspective. Al-Jarbuʿ, a Saudi scholar trained and educated in the institutions of the Kingdom's religious establishment, was imprisoned between late 2001 (after the publication of this text on the Internet) and May 2005 as part of the regime's efforts to contain dissident religious scholars. This text is instructive for understanding the specific Islamically constructed arguments in defense of all aspects of those events when they are laid out systematically and analytically for an internal Muslim audience.

It is also a text which has been influential within the *jihadi* doctrine. An anonymous text justifying the July 7, 2005, London bombings (to my knowledge, the most explicit and elaborate such text) is clearly styled after al-Jarbuʿ's in its title, *al-Taʾsil li-mashruʿiyyat ma jara fi Landan min tafjirat* ("Establishing the Legitimacy of the London Bombings"), structure, and arguments. In addition to these two texts, I will focus on the public utterances of the most famous advocate of Muslim violence against one's non-Muslim state of citizenship as part of the defensive *jihad* against western warring powers, Anwar al-ʿAwlaqi.

These contemporary *jihadi* justifications of attacks on civilians tend to focus on four main claims:

1. The Prophet allowed for the killing of women, children, and the elderly (read civilians) as collateral damage when distinction was not possible.
2. The Prophet engaged in collective punishment of entire peoples, including women, children, and the elderly.
3. Civilians are actually culpable in the case of democratically elected governments waging war against Muslims.
4. Since non-Muslim regimes are killing Muslim civilians, it is permissible to reciprocate by killing non-Muslim civilians according to the tit-for-tat principle of treatment in kind *(al-muʿamala biʾl-mithl)*,

> both as a legitimate tactic of war and also as just revenge for the suffering of Muslims.

All of these arguments rely for their background plausibility on the theologico-political doctrine of the assumption of non-obligation *(bara'a)* to non-Muslims. Contemporary *jihadi fiqh* reasserts the classical juridical assumptions that the basic status or principle *(al-asl)* of relations with unbelievers is war, that Muslims are bound to relationships of loyalty only to Muslims and ought to disassociate from infidels *(al-wala' wa'l-bara')*, and thus it is peace, not war, which requires explicit justification. These doctrinal claims are sometimes used to direct the believer to a certain psychological state of indifference to the fate of unbelievers. Al-Jarbu' writes:

> We are not to be held accountable either by revelation or reason if a catastrophe strikes the unbelievers or some destruction befalls them, condemning what happened to them, pronouncing censure upon the deed and the perpetrator, proclaiming our disassociation from them, and defending Islam in the most feeble-minded way, saying "poor Islam is not at fault and is not capable of such a thing" . . . Rather we must hold to the word of truth and that which is right, or be silent . . . We are not members of Congress or the muftis of the White House . . . It is our duty to proclaim our disassociation from the unbelievers and our rejection of what they believe, inciting against them and exposing their plans and designs, infiltrating their ranks and lying in wait for them so that God may inflict suffering upon them; this is the least of what is due to the brothers of monkeys and pigs.

In support of this he invokes Qur'an 9:52[8] and 60:4.[9]

To give a brief summary, then, of the four main arguments in defense of killing civilians before turning to what might be missing from an Islamic juridical standpoint:

1. Killing civilians as collateral damage

Most Muslim jurists, particularly in the early period, recognized a strict division between combatants and non-combatants and regularly exempted non-Muslim women, children, old men, religious figures, and others (merchants, peasants, and the infirm and the insane were often added to this list) from attack by Muslim forces.[10] If any of these traditional non-combatants however were to take up arms and/or aid and abet enemy forces with material and nonmaterial means, then they could be legitimately fought against. Some of the later jurists took into consideration the potential dangerousness of certain persons to Muslims rather than

some formal status of membership in a military or present behavior and tended to blur the distinctions between combatants and civilians. In general, however, it was assumed that the normal state of affairs was that women, children, and old men would not be carrying weapons against Muslims, and that the first two might be of some use to Muslims after victory.

The first task of *jihadi fiqh* is, thus, to show that the ban on killing "civilians" (women, children, the elderly) is not a categorical prohibition but rather a contingent one based on assumptions that can be shown to be inapplicable in specific cases. *Jihadi* scholars and publicists first show that women can certainly be killed in particular circumstances. Jarbu' notes that the Prophet commanded the killing of two slave girls for singing slanderous songs about him, according to a hadith-report included in the collections of Abu Dawud, al-Nasa'i, and al-Bayhaqi and commented upon in al-Tabari's *History* and Ibn Hisham's *Sira.* He also notes that women apostates and those who fight Muslims can be killed, thus establishing that women can in principle be subject to treatment *as enemies of Islam* according to the laws of war.

However, the above describes the conditions when particular individual women may be killed for crimes they personally committed. Al-Jarbu' then submits that all scholars have agreed unanimously that it is permissible to kill innocent women, children, and old men if they cannot be distinguished or isolated from soldiers, especially when the *mujahidun* hope to catch the enemy by surprise. He cites hadith-reports where the Prophet excused the killing of children of unbelievers in a night raid by saying "they are part of them" *(hum minhum)* and quotes Ibn Qudama's response in the *Mughni* to those who claim the Prophet forbade killing women and children: The ban only pertains to the *intent* to kill women and children for no military purpose and not the above-described circumstances. Al-Jarbu' also notes that the Prophet used mangonels during sieges, which do not discriminate and thus result in the death of civilians. He summarizes his case by criticizing the Muslim scholars who proclaim that Islam prohibits the killing of women and children *without qualifying or limiting* that prohibition *(min dun taqyid wa la takhsis)* (38).

The use of the "night raid" hadith and the "they are part of them" expression is ubiquitous in *jihadi* justifications of attacks on civilians.[11] This argument overlaps with *military necessity* or "fighting well" arguments, which point to the need to damage a country's economic capacity or political will to wage war against Muslims, or point to the circumstances of asymmetrical warfare where it is difficult to attack military targets directly.

The primary locus for juridical discussions of military necessity is the question of the enemy using Muslim human shields *(tatarrus)* to deter a

Muslim attack. This question was, in fact, one of the primary scenarios through which Abu Hamid al-Ghazali (d. 1111) elaborated his conception of public interest as a source of legal reasoning when the revelatory texts are silent *(maslaha mursala)*. I will return to al-Ghazali's reasoning in my conclusion but it suffices to note here that al-Ghazali argued that the Muslim army could violate Qur'anic prohibitions on killing believers if it was absolutely certain *(qat'i)* that a failure to use lethal force in this particular instance would threaten the entirety of the Muslim community in their absolutely necessary interests *(daruriyyat)*.[12] The issue of killing civilians as collateral damage is taken up in the juridical literature under the concept of *tatarrus*.

This juridical precedent of discussing the permissibility of killing human shields runs rampant throughout contemporary *jihadi* discourse, especially in their justification of killing Muslims. By far the most famous doctrinal statement on this matter is a document by Abu Yahya al-Libi (the *nom de guerre* of Hasan Muhammad Qa'id), a spokesman and activist for al-Qa'ida, entitled *al-Tatarrus fi'l-jihad al-mu'asir* ("Human Shields in Contemporary *Jihad*")*.*[13] Al-Libi suggests two different situations involving human shields: "compulsory" *(idtirari)*, when Muslim and *dhimmi* ("those non-Muslims whose blood has been made inviolable") prisoners are forced to reside amongst the enemy in the war zone, and "voluntary" *(ikhtiyari)*, when Muslim merchants, travelers, or converts remain within enemy territory by choice. He quotes al-Jassas' *Ahkam al-Qur'an*, al-Kasani's *Bada'i' al-Sana'i'*, al-Shafi'i's *al-Umm*, and al-Mawardi's *al-Hawi* to the effect that attacking in both of the cases is permissible.

Al-Libi argues that scholars have justified this on four grounds: that there is a scholarly *ijma'* that this is allowed when it is feared that harm will befall Muslims if they do not attack using weapons likely to cause collateral damage; that the Prophet's practice of using catapults *(majaniq)* establishes a normative precedent; that the aforementioned "night raid" hadith ("*hum minhum*") further strengthens the normative precedent; that the collateral damage from using "weapons of mass destruction" like catapults when Muslims or protected non-Muslims are intermixed in the population is similar enough to attacking when one knows that human shields will be killed. This is so because in both cases the *intention* is to attack only the enemy; and that one should always seek to avoid the greater harm (and other variations on this legal maxim), which is sometimes caused by failing to fight rather than fighting and unintentionally killing innocents. Al-Libi summarizes the four main consequentialist considerations for allowing attacks that one knows will kill Muslim and *dhimmi* innocents, when abstaining from such acts will result in greater harm to the generality of Muslims and Islam itself:

First is the fear that unbelievers will seize control of Muslim lands and gain mastery over Muslims.

Second, unbelievers' superiority over Muslim lands leads to corruption *(ifsad)* of religion and worldly existence, which entails endless forms and manifestations of harm and corruption.

Third, abstaining from attacking them because of the Muslims living among them amounts to the suspension *(ta'til)* of the obligation of *jihad.*

Fourth, if the unbelievers know that they can deter Muslims from attacking them because of the presence of Muslims amongst them, they can use this as a way of protecting themselves and preventing Muslims from ever fighting them.

Al-Libi then runs in familiar and predictable fashion through the great crimes committed against Islam since the onset of colonialism and forced secularization to establish that the harms which the classical jurists feared when they were reluctant to constrain the practice of *jihad* by an absolute prohibition on killing innocents through collateral damage are more than those present in the contemporary Muslim world. Defensive *jihad* is called for in general, which means that in *many* cases (not all—al-Libi, importantly, seems concerned to show his regard for legal method and moral cautiousness) it will be justified to sacrifice the equivalent of human shields. I will return in my conclusion to al-Libi's discussion of the ethics of proceeding with attacks that run the risk of shedding innocent Muslim blood.

2. Collective punishment

Of course, acts of terrorism are precisely those acts that do not kill civilians who happen to be indistinguishable from soldiers, but those that directly target civilians. Even al-Libi quotes favorably from al-Sarakhsi: "The Muslim attacker has to target *(yaqsid)* the warring unbeliever *(harbi)* because if he can actually distinguish *(tamyiz)* between the warring unbeliever and the Muslim civilian, then it becomes a duty to do so." Al-Jarbu' and other *jihadi* theorists thus direct attention to the Prophet's occasional practice of collective punishment. Jarbu' reportedly quotes Ibn Hazm to the effect that when the Prophet ordered the punishment of the Banu Qurayza tribe for their perfidy, "not a merchant or farmer or old man was spared." He further invokes Ibn al-Qayyim's *Zad al-ma'ad:* "If a part of a people violates or reneges on a treaty or agreement and the rest of the people consent to this then the entire population becomes in violation of it, and thus subject to treatment as a warring people" (38).

3. Democratic culpability

If this justifies collective punishment in a hierarchical, tribal context, it does so *a fortiori* in democracies where the civilian population freely and publicly endorses the policies of its government. In the case of America, al-Jarbu' regards "participation by voting in the decision to massacre Muslims, exporting shame and indecency to Islam and Muslims and participating in the corruption of Muslims and diverting them from their religion" as making all American civilians licit for targeting in war as enemies of Islam (38). The London bombing text also states clearly that "any Briton who voted for fighting is a combatant, or at least aids and abets combat" (7). Mohammed Siddique Khan, the organizer of the London bombings, stated in his martyrdom video that "[y]our democratically elected governments continually perpetrate atrocities against my people all over the world. And your support of them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters."[14] Al-'Awlaqi reiterates this doctrine: "Non-combatants are people who do not take part in the war. As far as the American people are concerned, they collectively take part in the war, because they elected this administration, and they finance this war. In the recent elections, and in the previous ones, the American people had other options, and could have elected people who did not want war. Nevertheless, these candidates got nothing but a handful of votes."[15]

4. Reciprocity

A number of Qur'anic verses are invoked by *jihadi* activists to justify attacks on civilians in response to Muslim civilian deaths. Q. 2:191 reads: "And fight not against them near the Sacred Mosque unless they fight against you there first; but if they fight against you, slay them." Q. 2:194: "Fight during the sacred months if you are attacked for a violation of sanctity is [subject to the law of] just retribution. Thus, if anyone commits aggression against you, attack him just as he has attacked you—but remain conscious of God, and know that God is with those who are conscious of Him."

The unattributed text justifying the July 7, 2005, bombings in London states explicitly that "we are permitted to do to the infidels as they do to us."[16] The text cites two additional Qur'anic verses for this: 16:126 ("If you punish then punish in the manner in which you were punished;" the text does not quote the rest of the verse: "if you are patient then that is the best course for those who are patient.") and 42:39–40 ("Those who when an injustice afflicts them help themselves. The recompense for an injury is an equal injury."). The text also quotes Ibn Taymiyya's judgment (in his

Fatawa) that it is permissible to cut the enemy's trees and burn their crops if they have done this to Muslims and a number of other classical scholars on the subject of reciprocity in war.

In addition to making such attacks permissible, it is sometimes asserted that Muslim civilian suffering makes reprisal attacks mandatory, both on deterrence grounds (al-'Awlaqi states that the message Muslims should be sending to America is "if you aggress against us then we will aggress against you, and if you kill some of ours then we will kill some of yours"[17]) and, in the words of Siddique Khan in his martyrdom video, "for you to taste some of what you have made us taste before." Al-Awlaqi has referred to civilian casualties that Muslims might be able to bring about in the West as a "drop in the ocean" compared to the one million Muslim civilians he counts have been killed by America.[18]

What *jihadi* arguments in essence come down to is that loyalty to non-Muslim countries is always at best tenuous, that certain countries in particular are presently at war with Muslims, that those countries are targetable at large, and that Muslims therefore have no choice but to do everything in their power out of loyalty to and concern for the Muslim community. In the words of al-'Awlaqi speaking about Nidal Hasan and the charge of treason and perfidy in his attack on fellow soldiers at Fort Hood:

> The most important thing for the Muslim is not to betray his religion. Serving in the American army and fighting Muslims is treason to Islam. America today is the Pharaoh of yesterday. She is the enemy of Islam. No Muslim is permitted to serve in its army except with the intention of betraying it like Nidal. Loyalty *(al-wala')* in Islam is only to God, His Messenger and the believers, and not to the patch of sand they call "the nation." The loyalty of the American Muslim is to the Muslim umma and not to America, and brother Nidal is proof of this through his blessed action, may God reward him to the utmost.[19]

It is hardly surprising that this should be the view not only of *jihadi* activists but also of the majority of the guardians of a religion's orthodoxy. Is this not what we expect of a religious doctrine of political ethics and does this not reflect the classic secular fear of religious diversity within a body politic as expressed in early modernity by Hobbes, Rousseau, and many others?

What is missing from this account on the Islamic side? Here it is necessary to step back from contemporary polemics and introduce the classical juridical approach to the loyalties and obligations of Muslims who had the misfortune of living their lives under the authority of non-Muslims.

Classical *Fiqh* and the Conditions for Engaging in Hostilities

A series of Qur'anic verses exhort Muslims to honor any contract (usually *'ahd* or *'aqd*, sometimes *mithaq)* into which they enter:

> It is not righteousness to turn your faces towards East or West, but rather righteousness is . . . to fulfill the contracts which you make.
>
> [2:177]

> O you who believe! Fulfill all contracts.
>
> [5:1]

> Fulfill God's covenant when you have entered into it and break not your oaths after asserting them, for you thereby make God your guarantor.
>
> [16:91]

> Fulfill every contract for contracts will be answered for [on the Day of Reckoning].
>
> [17:34]

> It is those who are endued with understanding that receive admonition, those who fulfill the covenant of God and do not violate their agreements.
>
> [13:19]

There is also a famous hadith reported through multiple chains and in multiple forms about the sinfulness of breaching contracts: "When God gathers all earlier and later generations of mankind on the Day of Judgment he will raise a flag for every person who betrays a trust *(ghadir)* so it might be said that this is the perfidy of so-and-so, son of so-and-so."[20,21]

In addition to these texts, which deal generally with the status of promises and contracts, there are a number of revelatory texts that apply this duty to the context of military conflict with non-Muslims. Verse 8:72 speaks of those who failed to join the Islamic community through migration: "If they [Muslims living amongst non-Muslims] seek your aid in religion, it is your duty to help them, except against a people with whom you have a treaty."

A hadith reported in Muslim's *Sahih* applies the principle of honoring promises not to fight non-Muslims to an individual, even when the war against them is just generally. It is reported that a Companion of the Prophet, Hudhayfa b. al-Yaman, said,

> Nothing prevented me from being present at the Battle of Badr except this incident: I came out with my father Husayl to participate in the Battle but we were caught by some Qurayshi unbelievers. They said: "Do you intend to go to Muhammad?" We said: "We do not intend to go to him but we wish to go

> back to Medina." So they took from us a covenant in the name of God that we would turn back to Medina and would not fight on the side of Muhammad. So when we came to the Messenger of God and related the incident to him he said: "Both of you proceed to Medina. We will fulfill the covenant made with them but seek God's help against them."[22]

Although the episode does not deal with a contract with non-Muslims arising as a consequence of legal residence, it seems a perfect example of the justification of some Muslims refraining from fighting nonbelievers because of a promise made to them. The fact that the hadith is situated during the lifetime of Muhammad (when there can be no question about a Muslim's fealty to the leader of the community and his obligation to participate in *jihad)* can only add to its potency as a guide for Muslim behavior in non-apostolic times.[23]

Jurists from across the Sunni schools are quite clear that contracts made with non-Muslims are as morally binding as those made with Muslims, and that "Islam has obligated Muslims to respect their contracts and their agreements with others in peace and in war equally."[24] Muslim behavior in a non-Muslim state is generally treated in relation to the legal concept of *aman*, the formal guarantee of security from a potentially hostile entity, which is a form of contract imposing obligations on both sides. Jurists are unanimous in holding that the enjoyment of *aman* imposes on the Muslim certain moral and sometimes legal obligations to the non-Muslim entity in question.[25] Al-Sarakhsi (d. 1090) declared that "it is abhorred for a Muslim who requests an *aman* from them [by swearing] on his religion to deceive or betray them, for treachery [*ghadr*] is forbidden in Islam. The Prophet said: 'He who betrays a trust will have a flag stuck in him on the Day of Judgment so that his betrayal may be known.' "[26] The Hanbali Ibn Qudama (d. 1223) agrees with, and in fact goes beyond, the Hanafi position:

> Whoever enters the land of the enemy under an *aman* shall not cheat them in transactions. [This] is forbidden, because they only gave the *aman* under the condition of refraining from deceit or betrayal, and of his [guarantee of] security to them from himself. Even if this [contract] is not explicitly pronounced it is still binding because it is presumed. For this same reason, whoever comes to one of our lands from one of theirs under an *aman* and betrays us thereby violates his contract. So if this is established then it is not permitted [for a Muslim] to betray them, because this is deceit *[ghadr]*, which is not permitted in our religion. The Prophet said: "Muslims are bound by their terms." *[al-muslimun 'inda shurutihim]* If a Muslim under an *aman* steals, cheats or borrows something from a non-Muslim and then flees to *dar al-Islam*, then if the non-Muslim goes there under an *aman*, Muslim

> authorities are obligated to provide for the return of his property as if he had taken it from a Muslim.[27]

Note a number of additional elements to this basic position, most importantly (like many western doctrines of political obligation) a recognition of tacit agreements, the usage of parity and reciprocity as operative ethical values, as well as the legal point that Muslim authorities may in fact enforce the rights of non-Muslims.[28]

For most contemporary Muslim scholars, the question of general political obligation to a non-Muslim state falls under the rubric of the duty to uphold contracts, including the duty to obey laws relating to war. Once a Muslim has accepted the security of a non-Muslim state he is bound to follow all of its laws, including paying taxes that contribute to general social welfare.[29] In one *fatwa*, a scholar responds that Muslims should continue to obey the law and pay taxes to the American government even during a war against a Muslim country because there is a general obligation to abide by the laws of one's country, and because "falling in trouble with the law is worse than the fact that part of your taxes is used by the government to display some sort of anti-Islam campaigns, such as giving full and blind support to the Israeli atrocities in Palestine."[30]

What I believe the Islamic insistence on adherence to contracts shows is precisely that justice, generally speaking, applies across religious differences: in principle, Muslims are required to regard duties arising out of contracts with non-Muslims as binding unless the duties involve performing a prohibited act; paying taxes and in general following the laws of a non-Muslim state that protect the rights of Muslims are not presumed *in themselves* to involve disobedience to the Creator.

On this chapter's narrower question of loyalty in wartime, however, Muslim jurists are able to speak more precisely. It is quite clear for the majority that this duty to honor contracts *(al-wafa' bi'l-'aqd)* and to abide by conditions freely endorsed *(al-muslimun 'inda shurutihim)* overrides for many jurists any general duty to contribute to an Islamic polity's military efforts against a state of residence. Indicative here are the juridical treatments on the behavior of Muslim prisoners. Note how seriously the authoritative thirteenth-century Shafi'i jurist al-Nawawi takes the act of agreeing to conditions:

> If they capture [a Muslim soldier] then he is obligated to flee as soon as he can. If they free him without condition then he is obligated to try and fight them because they are unbelievers with no guarantee of security. But if they free him on the condition that he is under a guarantee of security *[aman]* from them, then they are also under a guarantee of security from

> him. If they guarantee his security and ask for a guarantee from him then it is forbidden for him to fight them or steal their property on the basis of what the Almighty has said: "O you who have believed! Fulfill all contracts." [5:1] But if they violate their guarantee to him then he may do so as well to them. If they free him under a guarantee of safety but without asking for one themselves, then even in this case the majority say that they are still under such a guarantee on his part because of their placing him under a guarantee.[31]

Ibn Qudama advances a similar position with the addendum that even the condition to remain in the country rather than return to the Islamic polity must be honored, again "for the Prophet said: 'Muslims are bound by their conditions.' "[32]

While the jurists in question do not seem to address directly the obligations of Muslims residing or visiting non-Muslim countries for non-martial purposes toward the war effort of a Muslim polity, the only reasonable interpretation is that if the above applies to prisoners during wartime then it does *a fortiori* to non-prisoners and non-combatants who reside or enter there willingly under an *aman.* The duty to honor contracts, even tacit ones, is binding on all Muslims, and entering a non-Muslim land is only done under an *aman*, which is regarded as a contract that includes amongst its conditions the obligation to do no harm to non-Muslim interests. If a Muslim decides that it is his duty to serve in a *jihad* or otherwise advance Muslim interests over non-Muslim ones, then jurists (as we saw with the quote from al-Sarakhsi in the previous section) *require that he first renounce his* aman *as a way of advising non-Muslims honorably of his intentions*.

Does *Jihadi Fiqh* Have an Answer for the *Aman* Question?

From the preceding we can see that in seeking to show (1) that certain non-Muslim states are at war with Muslims and thus targetable in a variety of ways, including through attacks on civilians, and (2) that all Muslims must always place their loyalties to Islam and Muslims above any other loyalties, *jihadi* discourses actually sidestep the crucial issue from an Islamic juridical perspective: that certain specific Muslims are absolutely prohibited from engaging in certain hostile acts because of their acceptance of an *aman* contract of mutual security.[33]

At the same time, no social contract if it is to be a genuine contract is without its limits (at least contracts between humans). Even Hobbes allows the subject of the body politic to flee when the sovereign demands his death. If, keeping with the analogy to Hobbes, the normal state of relations between Muslims and non-Muslims prior to a social contract is a

state of nature, when does the behavior of the non-Muslim state permit the Muslim to declare a return to the state of nature, claiming all of its privileges and accepting all of its risks?

An important statement comes from Shaykh 'Abd al-Mun'im Mustafa Halima (Abu Basir al-Tartusi), a Syrian scholar living in London who is considered a theorist of "Salafi jihadism" but is also known for issuing a series of widely read *fatwa*s forbidding suicide terrorism. (Indeed, the "London bombing text" in its full title is explicitly dedicated to responding to his "vile declaration" in opposition to the July 7 attack.) Tartusi gives four conditions which render the *aman* contract void: (1) "If they [the non-Muslim authorities] turn against [the *musta'min* Muslims] and commit perfidy against them," (2) if the contract is time limited and expires, (3) if Muslims depart from the non-Muslim country and the contract is declared void by either party, and (4) if the country of refuge seeks to deport or extradite the *musta'min* Muslim back to the country from which he fled. It is noteworthy that he does not consider in any detail what kinds of state acts might fall under circumstance (1).[34]

But what Tartusi expressly *does not* list as an event that nullifies the *aman* contract is war between the non-Muslim state of citizenship and any other Muslims anywhere in the world. Thus, when the "London bombing text" asserts that "there is no room for doubt that Britain is an infidel state at war with the entirety of Muslims *('umum al-muslimin)* and there is no disputation on this except on the part of grave sinners,"[35] the text does not address specifically the status of Muslim citizens of Britain; rather, it treats the problem of a treaty between Muslims and Britain generally. The closest the text comes is to invoke Muhammad's reported dictum that "war is deceit" *(al-harb khud'a)* to justify the failure of the British citizens to formally declare their intentions by publicly renouncing their *aman* contract.

There have been other efforts to argue that western Muslims are not under an obligation of restraint. The argument has been made that any explicit *aman*, or contract of security, is only binding on Muslims who voluntarily enter a non-Muslim country. Muslims born in a non-Muslim country did not choose to be born there and did not autonomously enter into a contract and are thus permitted to engage in hostilities. Hassan Butt, an activist who split from the UK Salafi groups Hizb ut-Tahrir and al-Muhajiroun over the principle that British Muslims are not permitted to engage in violence in Britain, is reported to have said:

> Now, I am not in favour of military action in Britain but if somebody did do it who was British, I would not have any trouble with that either . . . It wouldn't necessarily be the wisest thing to do but it wouldn't be

> un-Islamic . . . Most of our people, especially the youth, are British citizens. They owe nothing to the Government. They did not ask to be born here; neither did they ask to be protected by Britain . . . They have no covenant. As far as I'm concerned, the Islamic *hukm* (order) that I follow, says that a person has no covenant whatsoever with the country in which they were born.[36]

Butt does not cite any Islamic text or scholar for this opinion and it is not clear whether this position has been articulated formally by a Muslim legal scholar.

Intriguingly, Ayman al-Zawahiri has recently made the exact opposite argument: that it is visas that do not create obligations of restraint on Muslims, because a visa is (based on two encyclopedia definitions) only a unilateral permission to enter a country and not a promise of safe-conduct on either side.[37] Muslim warriors are not obligated by international agreements to which they did not consent, which create specific legal obligations from the issuing of visas. Furthermore, and most importantly, as a matter of contemporary fact and custom, the possession of visas has *not* provided a large number of Muslims with security (he lists many who have been arrested by security services) and thus we may not regard the existence of a visa as indicating any protection for Muslims that might then obligate them. Zawahiri cites and approves of much of the juristic literature on the *aman* contract that I introduced in the previous section, but argues that as a matter of empirical reality, no Muslim enjoys security in the West. "The position that a unbeliever's promise of safety to a Muslim entails a promise of safety from the Muslim to the non-believer tells us something: namely, if there is no promise of safety from the non-believer to the Muslim, and the Muslim is in fear for his life, property, and family, the Muslim is not obligated to promise safety to the unbeliever."[38] But in this discussion, Zawahiri seems to confuse absolute immunity from arrest or extradition *for any reason* with security from being treated as a combatant according to the laws of war merely on grounds of being a non-citizen. Even if, following Hobbes and al-Tartusi, we concede that the individual person who faces death or extradition may do anything to defend his own life, it does not follow from this that all those party to a contract do not have the obligation to do their utmost to preserve it and the conditions of its possibility.

However, it appears that by and large *jihadi fiqh* is characterized by awkwardness around the *aman* question. Ultimately, Zawahiri collapses the question of a *concrete* contract of security between Muslims living in the West and those non-Muslim states in which they live into the question of the relation of those individual states to the entire Muslim world. Even if, in principle, non-Muslims may contract their way into a relationship of mutual security, "a promise of safety does not protect anyone who incites to

fighting Muslims, attacks them, makes war on God and His prophet (may God bless him and grant him peace), or blasphemes against the prophet (may God bless him and grant him peace)." The "London bombing text" all but ignores the *aman* question, and in all of his public pronouncements calling on western Muslims to fulfill their obligations of loyalty to the *umma*, pronouncements that make it clear that he aspires to scholarly authority, Anwar al-'Awlaqi has practically failed to address the *aman* question at all. The one exception proves, in fact, my overall argument in this discussion. In the most recent issue of the English-language Al-Qa'ida magazine *Inspire*, al-Awlaqi acknowledges the question as to whether "the Muslim who live [in the West] are bound by a covenant that prohibits them from harming their countries of residence." Al-Awlaqi's response is merely that "this is a critical issue and therefore would be covered in a separate paper, *in sha' allah.* However, my conclusion on this matter is that Muslims are not bound by their covenants of citizenship and visa that exist between them and nations of *dar al-harb.*"[39] While we look forward to this forthcoming paper, undoubtedly al-Awlaqi will recapitulate the two main points from the existing *jihadi* doctrine, particularly as elaborated by Zawahiri: that Muslims are not, in fact, safe in non-Muslim countries and thus owe those countries nothing; and that anything that would have been owed is invalidated by those countries' treatment of other Muslims and general hostility to Islam.[40]

Conclusion: When Does Consequentialism Mean the End of Islamic Law?

If Islamic jurisprudence *per se* (and not just particular scholars or activists) has to compete today for the status of the most prestigious and authoritative mode of knowledge in the realm of public and political ethics in ways it traditionally did not, then it is not surprising to see that competition playing out on a number of intellectual and moral terrains, since Muslim moral and political life is constituted by more than the pursuit of certain knowledge of God's intention behind revealing specific texts. Thus, we find today (as was certainly the case also in pre-modern times) Muslim would-be authorities who both make demands on believers but also make concessions to them, most notably in the privileging of concepts like *taysir* and *al-awlawiyyat* in the jurisprudence of Yusuf al-Qaradawi, made easier through the use of classical legal maxims *(qawa'id fiqhiyya)* or arguing from public interest *(maslaha)* and the overall "purposes of the Law" *(maqasid al-shari'a)*. The use of Islamic jurisprudence to justify revolution or non-state violence reflects a similar need to address the various

political needs, desires, or passions of modern Muslims. This problem is obviously compounded in the minority condition, where the relevance of Islamic law to public, political matters is far from obvious even to pious Muslims.

The point here is not that these various social and political needs are not necessarily part of the Law or that Islamic jurisprudence pursues a specific set of values that are radically distinct and isolated from social and political ones. Values that we call "legal," "moral," "religious," "political," or "social" are not distinguishable from one another in any clear or decisive way. Rather, the point is that for all of its flexibility, worldliness, and mutability, Islamic jurisprudence as a formal ethical discourse is not merely *interchangeable* with and *reducible* to expressly political or military strategizing, individual means-ends calculation, personal judgement about the good, or public policy. While as outside scholars we have no choice but to accept the observations of certain critical approaches to Islamic legal discourse that stress the instrumental and ideological—the *human*—imprints on Islamic law,[41] as outside scholars we also have no choice but to observe variations in quality, consistency, and transparency in various instances of Islamic legal-moral reasoning.

It is rare to find a point of doctrine in Islamic law as uniformly asserted as the *aman* doctrine. As shown above, even the prohibition on killing fellow believers is prone to more qualification than the prohibition on violating the *aman* contract. Unlike so many questions that confront modern Muslim scholars and activists—How should Shari'a be codified in a modern state system? How may explosives be used in warfare?—the prospect of a clash of loyalties between a non-Muslim state of residence and the Muslim community was something the classical jurists were almost constitutionally aware of. There is no real difference in kind between the moral dilemma faced by a modern Muslim living in a non-Muslim polity and a medieval Muslim living in one—what has changed from one situation to another? There seems to be no dimension of the dilemma and no range of available options present today that the classical jurists did not consider that might justify the argument that any traditional consensus must be reconsidered.

The Islamic-legal-skeptic is still unimpressed. "Isn't *anything* justifiable in some way through Islamic juridical methods?" Perhaps, but two points stand out. First, as I noted above, what is remarkable in the case of 'Awlaqi and the London bombing text is the complete disregard for the *aman* question, a silence that probably speaks volumes about its difficulty for them. Second, while there is no doubt that, if pressed, 'Awlaqi and similar figures could reach for the *darura*- or *maslaha*-button (like the Staples office-supplies "Easy" button ["That was easy!"]), perhaps by invoking the purported statement of the Prophet that "war is deceit"

(al-harb khud'a), we can easily observe the degradation of Islamic legal reasoning and moral disposition involved in the use of such devices. Was the "necessity" or "public interest" of attacking the enemy *less present* in the times of al-Sarakhsi, al-Nawawi, Ibn Qudama, and others when they asserted the *aman* doctrine in the forcible and categorical ways introduced above? The prohibition on *ghadr* is nothing other than an answer to the question "What do we do in this particular circumstance when we want to fight with the enemy and benefits might follow from doing so?"

Al-Ghazali's rigor in allowing *maslaha mursala* to be invoked in the case of human shields is well known. Killing human shields in the ranks of an enemy army deployed on the field of battle is often permissible because it is known with certainty that an objective of the Law is to minimize killing, which requires defending Muslim lands from invading unbelievers, for if they were to win they would kill the human shields anyway and many more besides. But

> taking *maslaha* into consideration requires three circumstances: necessity, certainty and generality *(darura qat'iyya kulliyya)*. It is thus not in effect if the unbelievers shield themselves with a Muslim within a castle and there is no *necessity* to capture the castle if we can do without it, and it is not *certain* that victory is not compromised by this, but rather merely probable or conjectural *(zanniyya)*. Similarly, it is not in effect in the case of a group of people in a boat who fear capsizing and thus throw one person over to save the rest, because this *[maslaha]* is not *general* in scope but rather only benefits a specific number of them.[42]

"Better" Islamic jurisprudence in the sense of more intellectually rigorous and more morally self-disciplined jurisprudence does not necessarily mean an Islamic legal doctrine of war and peace that perfectly maps onto contemporary western legal standards or aspirations. Rather, the point here is that any attempt to formulate juridical arguments has the capacity to ensnare the activist in a set of constraints and demands that limit the scope for mere strategic or tactical goal-rationality ("war is deceit"). Even some recent *jihadi* writings (such as the above-cited works of al-Libi and al-Zawahiri) seem to minimize reference to the main hallmarks of *jihadi* reasoning in defiance of the legal tradition: a general *takfir* of Muslims who fail to support the righteous *mujahidin* and brute ends-justifying-means rationality. My only point here is that 'Awlaqi's exhortations to privilege loyalty to the Muslim *umma*, including through perfidious behavior, is an example of the kind of unmoored reasoning that refers to Shari'a only to sanction one's own preferred behavior, and never to constrain it. The obligation to avoid *ghadr* is, perhaps, one of the few cases of an Islamic legal commitment on which there exists no legitimate *ikhtilaf* and when it is

thus possible to describe a view as quite clearly "against the Islamic legal tradition."

A final point about moral conflict and disagreement *across* ethical traditions: as noted above, my argument is not that more rigorous *fiqhi* reasoning will necessarily lead Muslims (including *jihadi* groups) to converge on shared conclusions with the Geneva Conventions or this-or-that western doctrine of just war and political obligation. Rather, my point is that in a world with persistent disagreement about the background frames of moral reference and specific politico-moral objectives, we can either seek to limit our moral engagement to those who share a substantial amount of our own moral assumptions and commitments, or we can search for specific points of agreement with moral strangers. The appeal (and danger) of 'Awlaqi's rhetoric is that it is *not* all reckless or concocted. Of course many Muslims will feel the pull of loyalty to a global brotherhood over a secular nation-state, and of course many Muslims (as well as others) will be outraged by wars in which the vast majority of casualties are Muslims. Where general exhortations about the badness of radical Islamist aims, or the categorical evil of killing civilians (when even the Geneva Conventions do not meet this standard), or the obligation of weaker parties to always "fight fair" even at the expense of "fighting well" fail, it is far from trivial to note a few specific points where "western" and even radical Islamic moral discourse might converge. Where we disagree about "who the *real* terrorist is," about whether non-state violence is always worse than state violence, and about which kinds of goals ever justify collateral damage, it is not insignificant when we can point to specific obligations arising from specific bonds and relationships that allow for moral trust and agreement—even in the absence of wider political and moral commonality.

Notes

1. See Khaled Abou El Fadl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries," *Islamic Law and Society* 1/2 (1994): 141–187.
2. See, in particular, Khalid 'Abd al-Qadir, *Fiqh al-aqalliyyat al-muslima* (Tripoli, Lebanon, 1998); Yusuf al-Qaradawi, *Fi fiqh al-aqalliyyat al-muslima* (Cairo, 2001); 'Abd Allah b. Bayya, *Sina'at al-fatwa wa-fiqh al-aqalliyyat* (Jeddah, Saudi Arabia, and Beirut, 2007); Sulayman Muhammad Tubulyak (transliteration from Bosnian of "Sulejman Topoljak"), *al-Ahkam al-siyasiyya li'l-aqalliyyat al-muslima fi 'l-fiqh al-islami* (Beirut, 1997); Taha Jabir al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflections* (Herndon, VA, 2003); Shaykh Ibn Baz and Shaykh Uthaymeen, *Muslim Minorities: Fatawa Regarding Muslims Living as Minorities* (Hounslow, UK, 1998); and 'Abd al-Mun'im

Mustafa Halima (Abu Basir al-Tartusi), "Man dakhala diyar ghayr al-muslimin bi-'ahd wa aman ma lahu wa ma 'alayhi" (online at http://www.abubaseer.bizland.com/ (accessed August 2, 2011) and on file with the author). Also of note are the *fatwa*s of the European Council for Fatwa and Research and the former IslamOnline Web site,(now OnIslam.net), as well as Majdi 'Aqil Abu Shamala, ed., *Risalat al-Muslimin fi bilad al-gharb* (Irbid, Jordan, 1999), which includes important essays by al-Qaradawi and Lebanese scholar Faysal Mawlawi, amongst numerous others. For a Shi'ite perspective, see Muhammad Husayn Fadl Allah, *al-Hijra wa'l-ightirab: ta'sis fiqhi li-mushkilat al-luju' wa'l-hijra* (Beirut, 1999) and 'Ali al-Husayni al-Sistani, *al-Fiqh li'l-mughtaribin* (London and Beirut, 2002).

3. "O you who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily God guides not a people unjust." All translations from the Qu'ran are based on Yusuf Ali's translation with some minor alterations in style.
4. "O you who believe! Take not my enemies and yours as friends (or protectors), offering them (your) love, even though they have rejected the Truth that has come to you, and have (on the contrary) driven out the Prophet and yourselves (from your homes), (simply) because you believe in God your Lord! If you have come out to strive in My Way and to seek My good pleasure, (take them not as friends), holding secret converse of love (and friendship) with them: for I know full well all that you conceal and all that you reveal. And any of you that does this has strayed from the Straight Path."
5. "O you who believe! Take not for friends unbelievers rather than believers. Do you wish to offer God an open proof against yourselves?"
6. "O you who believe! Take not into your intimacy those outside your ranks. They will not fail to corrupt you. They only desire your ruin. Rank hatred has already appeared from their mouths. What their hearts conceal is far worse. We have made plain to you the signs, if you have wisdom."
7. The text is on file with the author.
8. "We can expect for you either that God will send His punishment from Himself or by our hands."
9. "We are free of you and whatever you worship besides God. We have rejected you and there has arisen between us and you enmity and hatred forever—unless you believe in God and Him alone."
10. See, for example, Malik, *al-Muwatta'*, ed. Bashshar 'Awad Ma'rūf and Mahmud Muhammad Khalil (Beirut, 1993), 1:306–307; 1:358.
11. See Anwar al-'Awlaqi's May 23, 2010, interview with al-Malahim Media, http://www.youtube.com/watch?v=OoIg0a-fuOU&feature=related (beginning at 6:38) (accessed September 23, 2010).
12. Abu Hamid al-Ghazali, *al-Mustasfa min 'ilm al-usul* (Beirut, 1997), 1:218.
13. This text was released on the Internet in April 2006, and was referred to directly by Ayman al-Zawahiri in an interview in April 2008. It can be found through an Internet search, for example, at http://www.muslm.net/vb/showthread.

php?t=158076 (accessed September 23, 2010), and is on file with the author.

14. http://www.cnn.com/2005/WORLD/europe/09/02/london.claim/index.html (accessed September 23, 2010).
15. May 23, 2010, interview with al-Malahim Media, http://www.youtube.com/watch?v=OoIg0a-fuOU&feature=related (at 5:57) (accessed September 23, 2010).
16. "al-Ta'sil li-mashru'iyyat ma jara fi Landan min tafjirat wa'l-radd 'ala 'l-bayan al-mash'um li-Abi Basir al-Tartusi," p. 11 (The title "Establishing the Legitimacy of the Explosions Which Occurred in London and a Response to the Vile Declaration of Abu Basir al-Tartusi" parallels almost exactly al-Jarbu's text on 9/11, which it cites as its main source of authority). This text is on file with the author.
17. May 23, 2010, interview with al-Malahim Media, http://www.youtube.com/watch?v=qpEsllhFFEA&feature=related (at 5:27) (accessed September 23, 2010).
18. May 23, 2010, interview with al-Malahim Media, http://www.youtube.com/watch?v=OoIg0a-fuOU&feature=related (at 9:07) (accessed September 23, 2010).
19. http://www.almasdaronline.com/index.php?page=news&article-section=4&news_id=3887 (accessed September 23, 2010).
20. This section is taken from my book *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (New York, 2009), 184–189.
21. Muslim, *Sahih* (Beirut, 1995), "Kitab al-Jihad wa 'l-siyar," 3:1093–1095.
22. Ibid., 3:1129.
23. Note however that al-Nawawi (d. 1278) does not consider this hadith to be constitutive of a general rule about keeping promises to desist from *jihad*, but rather an isolated pragmatic decision taken by the Prophet so that it would not be said about his Companions that they do not keep contracts. (Abu Zakariyya' al-Nawawi, *Sharh Sahih Muslim* [Beirut, 1987], 6:386.) Note also that there is extensive juridical discussion about expiating oaths and also about the invalidity of oaths or contracts to perform something forbidden or desist from something obligatory.
24. Yusuf al-Qaradawi, *Fiqh al-jihad* (Cairo, 2009), 1:741. Al-Qaradawi notes that the only exception to this injunction are the specific treaties the Prophet had with the pagans, which were temporary. He thus treats this aspect of the Prophetic practice as exceptional and contained, rather than exemplary and normative.
25. See 'Abd al-Qadir, *Fiqh al-aqalliyyat al-muslima*, 160.
26. Muhammad b. Ahmad al-Sarakhsi, *Kitab al-Mabsut* (Beirut, 2001), 10:105.
27. Muwaffaq al-Din Ibn Qudama, *al-Mughni* (Cairo, 1990), 13:152–153.
28. The Hanafi school is known for placing a greater emphasis on territoriality than other schools. Hanafi jurists will often argue that Muslims are bound morally by the principles of Islamic law and ethics, but that Islamic courts cannot claim jurisdiction over what happens in non-Muslim lands. This means

that, unlike the Hanbali position quoted here, most Hanafi jurists will not hold Muslims legally (as opposed to morally) responsible for what they do in non-Muslim countries. Thus, betrayal or fraud is a sin but not a civil crime, and Sarakhsi says it is "abhorred" for a Muslim to act in this way but refuses to prescribe an earthly punishment. Interestingly, and importantly for the question of justifying liberal freedoms for Muslims, they also apply this attitude to the enforcement of the penal code for moral crimes: "They are not bound by the laws of Islam while in the abode of war" (al-Sarakhsi, *al-Mabsut*, 10:105).

29. This principle, however, as strong a genuinely ethical motivation as it is as for acting in accordance with liberal laws, should not be mistaken for a genuine affirmation of those laws, for it is equally binding in conditions of injustice. In fact, the argument often surfaces in discussions of how Muslims should respond to injustice in western countries of which they are citizens or legal residents: for example, American support for Israel or its own wars in Muslim countries. "Are Muslim citizens of these countries allowed to pay taxes that go toward such activities?" is a common question asked of muftis. That many "neoclassical" scholars (such as those cited by the popular OnIslam.net (formerly IslamOnline) Website) argue that they are allowed to do so is no indication of an overlapping consensus on substantive questions of justice.
30. http://www.onislam.net/english/ask-the-scholar/international-relations-and-jihad/private-international-law/175357.html (accessed August 2, 2011).
31. Al-Nawawi, *al-Majmu'*, 21:130. 'Abd al-Qadir also reports this position as an object of general consensus in Sunni *fiqh. (Fiqh al-aqalliyyat al-muslima*, 167.)
32. Ibn Qudama, *al-Mughni*, 13:184–185.
33. Indeed, even the Jarbu' text justifying the September 11 attacks allows for the possibility that certain specific contracts of security might be binding on those who enter into them but denies that any general contract of security between Muslims and infidels can exist in the absence of a "Great Imam" with authority over all Muslims. (What he does not address is whether the entry into the United States on legal visas rendered the 9/11 hijackers subject to a binding *aman* contract, something that is clearly called for by many Muslim scholars.)
34. al-Tartusi, *Man dakhala diyar ghayr al-muslimin*, 56–59.
35. *Al-Ta'sil li-mashru'iyyat ma jara fi Landan*, 22.
36. Aatish Taseer, "A British Jihadist," *Prospect* Issue 113, August 2005. Incidentally, the same Butt later publicly renounced jihadism and proclaimed a willingness to collaborate with British security forces. (Hassan Butt, "My plea to fellow Muslims: you must renounce terror," *The Observer*, July 1, 2007.)
37. Ayman al-Zawahiri, *al-Tabri'a: Risala fi tabri'at umma al-qalam wa'l-sayf min munqassat al-tuhma al-khawr wa'l-du'f.*
38. Ibid., 131. Others have also argued that recent domestic security measures which focus on the local Muslim community have reached a point of injustice and arbitrariness that Muslims may regard themselves as relieved of their obligations of restraint. Consider the media statement by Omar Bakri Muhammad, the supposed leader of the "al-Muhajiroun" Salafi group in the United Kingdom. He had previously declared on multiple occasions that while

he supported terrorist acts against western powers, he regarded Muslims living in those countries as bound by the "covenant of security" *('aqd al-aman)*. On January 10, 2005, he is reported to have declared that British counterterrorism measures violated the British guarantee of security and peace to the Muslim community and thus rendered void the mutual covenant of security, making it permissible for British Muslims to attack British interests. This position does seem to enjoy a certain theoretical plausibility (albeit not in its particular application to the British case): if it can be shown that a non-Muslim state formally and consistently applied different sets of constitutional rights to Muslim citizens on arbitrary grounds, then the initial Islamic foundation for their obligations to that state could be said to no longer obtain. However, it seems quite clear that most scholars would traditionally argue that this then does not permit random violence but first imposes on the Muslim minority an *obligation of migration* to a more hospitable land.

39. Anwar al-'Awlaqi, "The Ruling on Dispossessing the Disbelievers Wealth [sic] in Dar al-Harb," *Inspire* Issue 4, January 2011 (Winter 1431), 56.
40. Al-Awlaki's assassination on September 30, 2011 occurred as this volume was going to press. Therefore what he may have said on this issue remains speculative.
41. See, for example, Aziz al-Azmeh, ed., *Islamic Law: Social and Historical Contexts* (London, 1988), and Sherman Jackson, "Fiction and Formalism: Toward a Functional Analysis of *Usul al-fiqh*," in *Studies in Islamic Legal Theory*, ed. Bernard Weiss (Boston, 2002).
42. Al-Ghazali, *al-Mustasfa*, 1:218.

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